

In the Matter Of:

IN RE OFFICER RICARDO VIRAMONTES

OFFICER RICARDO VIRAMONTES

March 18, 2016

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03/18/2016 VIRAMONTES OFFICER RICARDO
IN RE OFFICER RICARDO VIRAMONTES

1 STATE OF ILLINOIS)
2) SS:
3 COUNTY OF COOK)
4
5 IN RE:)
6)
7)
8 INTERVIEW OF:)
9)
10)
11)
12)
13 OFFICER RICARDO VIRAMONTES)

10 The interview of OFFICER RICARDO
11 VIRAMONTES, taken in the above-entitled cause,
12 before Teresa Volpentesta, a notary public
13 within and for the County of Cook and State of
14 Illinois, and a Certified Shorthand Reporter of
15 said state, at 300 West Adams Street, Chicago,
16 Illinois, Suite 800, on the 18th of March, 2016
17 at the hour of 10:10 a.m.

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22 On behalf of the City of Chicago.
23
24

1	I N D E X	
2	WITNESS	PAGE
3	OFFICER RICARDO VIRAMONTES	
4	BY MR. NEUMER	6
5	BY MR. BROWN	52
6	BY MR. NEUMER	62
7	BY MR. BROWN	103
8	BY MR. NEUMER	114
9	BY MR. BROWN	154
10	BY MR. NEUMER	159
11	BY MR. BROWN	184

12	E X H I B I T S	
13	NUMBER	PAGE
14	No. 1 Advisement of Rights	6
15	No. 2 Notice of Interview	6
16	No. 3 Notification of Allegations	6
17	No. 4 Receipt Form	6
18	No. 5 Case Supplementary Report	6
19	No. 6 General Progress Report	6
20	No. 7 Special Order	162
21	No. 8 Supplementary Report	174
22	No. 9 In-Car Camera Video Work Sheet	174
23	No. 10 E-Mail Correspondence	174

24

1 MR. NEUMER: As a preliminary matter, I am
2 providing the following information: An
3 independent certified court reporter is present
4 today to provide a verbatim transcript of this
5 interview.

6 To aid in the accuracy of the
7 transcript, it is the custom and practice of
8 court reporters to audio record the interview.

9 The recording is the confidential
10 work product property of the court reporter and
11 will not be provided to any party, including the
12 OIG. If you request, the audio recording will
13 be discontinued.

14 So Officer Viramontes, I would ask do
15 you object to the court reporter having an audio
16 recording to assist her in the transcribing of
17 this interview?

18 OFFICER VIRAMONTES: No, I have no problem.

19 MR. NEUMER: Let the record reflect today's
20 date is March 18, 2016. The time is 10:10 a.m.

21 We are located at Amicus Court
22 Reporters, 300 West Adams, Suite 800.

23 My name is Peter Neumer. The court
24 reporter is Teresa Volpentesta, and I would ask

1 that the other individuals present to identify
2 themselves and spell their name for the record.

3 MR. BROWN: Kristopher Brown, B-r-o-w-n,
4 City of Chicago, Office of Inspector General.

5 MS. RUSSELL: Jennifer Russell,
6 R-u-s-s-e-l-l, attorney for the officer.

7 OFFICER VIRAMONTES: Officer Ricardo
8 Viramontes, R-i-c-a-r-d-o, last name
9 V-i-r-a-m-o-n-t-e-s, Star 10590 assigned to the
10 8th District, Chicago Police Department.

11 MR. NEUMER: We are here today pursuant to
12 an investigation being conducted under Chapter
13 2-56 of the municipal code of the City of
14 Chicago.

15 We are here for an interview of
16 Ricardo Viramontes.

17 Officer Viramontes, would you please
18 raise your right hand.

19 (Witness duly sworn.)

20 ** ** ** **

21 (Whereupon Exhibit Nos. 1-6 were
22 marked for identification.)

23

24

1 OFFICER RICARDO VIRAMONTES,
2 called as a witness herein, having been first
3 duly sworn, was examined and testified as
4 follows:

5 EXAMINATION

6 BY MR. NEUMER:

7 Q. Officer Viramontes, at this time, I
8 am going to put before you what has been marked
9 as Exhibit 1.

10 This is an Advisement of Rights Form.
11 The top has been filled in by me, and I would
12 ask that you read along with me.

13 I will read each paragraph of this
14 advisement, and then ask that -- ask you whether
15 you have read that paragraph as I have read it
16 aloud to you.

17 So the Advisement of Rights states,
18 I, Ricardo Viramontes, understand that I am
19 being interviewed by Peter Neumer and Kris Brown
20 from the City of Chicago, Office of Inspector
21 General.

22 I understand that this interview is
23 part of an official investigation; that I have a
24 duty to cooperate with the Office of Inspector

1 General, which includes answering all questions
2 completely and truthfully.

3 Officer Viramontes, do you see the
4 paragraph I just read aloud to you?

5 A. Yes, I do.

6 Q. I understand that I have no right to
7 remain silent. I understand that I have an
8 obligation to answer questions put to me
9 truthfully.

10 I understand that if I refuse to
11 answer questions put to me, I will be ordered by
12 a superior officer to answer the questions.

13 I further understand that I have been
14 advised that if I persist in my refusal to
15 answer after an order to do so, such further
16 refusal constitutes a violation of the rules and
17 regulations of the Chicago Police Department and
18 may serve as the basis for my discharge.

19 Officer Viramontes, do you see the
20 paragraph I just read aloud to you?

21 A. Yes, I do.

22 Q. I understand and have been advised
23 that my statements and responses may constitute
24 an official police report.

1 I understand that Rule 14 of the
2 Chicago police Department's Rules and
3 Regulations prohibits making a false report,
4 written or oral, and I further understand that
5 making such a false report, whether written or
6 oral, may result in my separation from the
7 Chicago Police Department.

8 Officer Viramontes, do you see the
9 paragraph I just read aloud to you?

10 A. Yes.

11 Q. I understand that any statement made
12 by me during this interview may be used as
13 evidence of misconduct or as the basis for
14 disciplinary action up to and including removal
15 or discharge.

16 Officer Viramontes, do you see the
17 paragraph I just read aloud to you?

18 A. Yes.

19 Q. I understand that any statement made
20 by me during this interview and the fruits
21 thereof cannot be used against me in a criminal
22 proceeding.

23 Do you see the paragraph I just read
24 aloud to you?

1 A. Yes.

2 Q. I understand that I have the right to
3 have a union representative or legal counsel of
4 my choosing present at the interview to consult
5 with, and that I will be given a reasonable time
6 to obtain a union representative or legal
7 counsel as long as the interview is not unduly
8 delayed.

9 Do you see the paragraph I just read
10 aloud to you?

11 A. Yes.

12 Q. I understand that a refusal to answer
13 any question or any false, inaccurate, or
14 deliberately incomplete statement by me would
15 constitute a violation of Chicago Municipal
16 Ordinance 2-56 and may serve as the basis for my
17 discharge.

18 Do you see the paragraph I just read
19 aloud to you?

20 A. Yes.

21 Q. I acknowledge that this statement of
22 my administrative rights has been read aloud to
23 me, and I have been allowed to review this
24 document.

1 Do you see the paragraph I just read
2 aloud to you?

3 A. Yes.

4 Q. At this time, I would ask that you
5 sign the Advisement of Rights form marked as
6 Exhibit 1.

7 MS. RUSSELL: Peter, prior to Officer
8 Viramontes executing this document, can you
9 please indicate the Office of the Inspector
10 General's position on whether criminal charges
11 are probable against Officer Viramontes?

12 MR. NEUMER: The Office of the Inspector
13 General has no position as to whether criminal
14 charges are probable against Officer Viramontes.

15 OIG is conducting an administrative
16 investigation, not a criminal investigation.

17 OIG is not conducting a joint
18 investigation and is not working with any other
19 law enforcement agency with respect to this
20 investigation.

21 MS. RUSSELL: The fact that the Office of
22 the Inspector General has deemed this an
23 administrative investigation is not relevant to
24 the determination of whether Officer Viramontes

1 receives his administrative rights or his right
2 to remain silent.

3 We have indicated that the advisement
4 that you have provided him indicates he has no
5 right to remain silent.

6 MR. NEUMER: Okay. And again, OIG's belief
7 is that we are proceeding today as we are
8 legally entitled to do.

9 MS. RUSSELL: Officer Viramontes, will you
10 execute the document marked Exhibit 1?

11 (Document executed by
12 Officer Viramontes.)

13 MR. BROWN: And then we will witness down
14 here.

15 MS. RUSSELL: Prior to moving forward with
16 the statement, we are going to require him to
17 receive an order from a senior officer, and we
18 consent to receive that order via telephone.

19 BY MR. NEUMER:

20 Q. Officer Viramontes, is it fair to say
21 that you will refuse to answer questions
22 regarding the Laquan McDonald shooting absent an
23 order from your superior officer?

24 A. I am sorry. Am I going to refuse?

1 No, I am not going to refuse.

2 MS. RUSSELL: Can we take a break for a
3 minute?

4 MR. NEUMER: We will go off the record.
5 The time is 10:16.

6 (Discussion had off the record.)

7 MR. NEUMER: The time is 10:17. We will go
8 back on the record.

9 BY MR. NEUMER:

10 Q. So Officer Viramontes, is it fair to
11 say that you will refuse to answer questions put
12 to you by the Office of the Inspector General
13 regarding the shooting of Laquan McDonald absent
14 an order from your superior officer?

15 A. On the advice of my counsel -- I am
16 sorry -- I ask for an order from a superior
17 officer before proceeding.

18 MR. NEUMER: The Office of the Inspector
19 General is going to interpret Officer
20 Viramontes' statement as a refusal to answer
21 questions regarding Laquan McDonald's shooting,
22 and we will now contact Commander Klimas via
23 telephone to have him order Officer Viramontes
24 answer questions regarding the shooting of

1 Laquan McDonald.

2 (Whereupon, Commander Klimas
3 contacted and present via
4 telephone.)

5 COMMANDER KLIMAS: Bob Klimas.

6 MR. NEUMER: Commander Klimas, this is
7 Peter Neumer with the City of Chicago, Office of
8 the Inspector General.

9 I have you on speaker phone. We are
10 in the middle of a court-reported interview with
11 Officer Ricardo Viramontes.

12 His Attorney Jen Russell is present
13 as is my colleague Kris Brown. We are asking --
14 attempting to ask Officer Viramontes questions
15 about the shooting of Laquan McDonald, having
16 provided proper notice of the interview and
17 proper notice of the allegations against him.

18 However, Officer Viramontes is
19 refusing to answer all questions related to the
20 Laquan McDonald shooting, and therefore I would
21 ask that you please order Officer Viramontes to
22 answer the Office of Inspector General's
23 questions.

24 COMMANDER KLIMAS: Okay. This is Commander

1 Robert Klimas, K-l-i-m-a-s, of the Chicago
2 Police Department, Bureau of Internal Affairs.

3 Officer Ricardo Viramontes, I am
4 giving you a direct order to answer all
5 questions posed to you today by Peter Neumer or
6 his designees from the Office of Inspector
7 General, City of Chicago.

8 OFFICER VIRAMONTES: I understand.

9 COMMANDER VIRAMONTES: Okay.

10 MR. NEUMER: Thank you, Bob.

11 COMMANDER VIRAMONTES: Sure, good-bye.

12 MS. RUSSELL: And prior to moving forward,
13 Officer Viramontes would like to make a
14 statement.

15 THE WITNESS: This statement is not being
16 made voluntarily, but under duress. It is only
17 being made at this time because I know that I
18 will lose my job if I refuse a direct order
19 given to me by Commander Klimas.

20 I am invoking each and every right
21 granted to me under Garrity vs. New Jersey.

22 Also, on the advice of Counsel, I am
23 making the additional objections: I am
24 objecting to the fact that the City of Chicago

1 Inspector General's Office is making allegations
2 and conducting an investigation into its own
3 allegations.

4 I am objecting that the interview is
5 being placed before an arbitrator, has decided
6 the issues that were raised in regards to this
7 investigation.

8 The Fraternal Order of Police has
9 filed a grievance regarding this investigation,
10 and the Inspector General refused to postpone
11 this interrogation injunction.

12 I am also objecting that I have
13 requested my prior sworn testimony; namely, the
14 testimony I provided to the Grand Jury.

15 The Inspector General refused to
16 provide me with a copy of my Grand Jury
17 testimony and/or any other statement I have made
18 to the Federal investigators in violation of my
19 rights under the contract.

20 The Investigator General indicated
21 that it does not have possession of my Grand
22 Jury testimony.

23 To the extent I am questioned about
24 my Grand Jury testimony, I assert that the

1 testimony is truthful and was based upon my
2 recollection at the time. I stand by all of my
3 answers.

4 MR. NEUMER: The Office of Inspector
5 General would note again that the OIG is
6 conducting an administrative investigation and
7 not a criminal investigation.

8 It is not working with any other law
9 enforcement agency with respect to this
10 investigation.

11 We are not in possession of any grand
12 jury statements Officer Viramontes made, and do
13 not have a obligation to provide statements from
14 the grand jury that are not in our possession.

15 In addition, we believe that the
16 arguments offered in support of the FOP's
17 injunction have no merit, and we are proceeding
18 today as we believe we are legally entitled to
19 do.

20 MS. RUSSELL: Officer Viramontes is
21 prepared to give his statement now.

22 BY MR. NEUMER:

23 Q. Okay. As a preliminary matter, we
24 are going to mark several exhibits and put them

1 on the record.

2 Officer Viramontes, you were provided
3 these exhibits by IAD, and we will start with
4 what has been previously marked as Exhibit 2, a
5 document entitled Notification of Interview to
6 CPD Member dated February 19, 2016.

7 Have you seen the Notice of Interview
8 previously, Officer Viramontes?

9 A. Yes.

10 Q. And did IAD provide you with this
11 document on or about February 19, 2016?

12 A. Yes.

13 Q. I am now going to hand you what is
14 marked as Exhibit 3, a document entitled
15 Notification of Allegations dated February 19,
16 2016.

17 Have you seen this Notification of
18 Allegations before, Officer Viramontes?

19 A. Yes, I have.

20 Q. And did IAD provide you with this
21 document on or about February 22nd, 2016?

22 A. Yes, they did.

23 Q. And before you hand that back, is
24 your signature on the second page of the

1 Exhibit 3 Notification of Allegations?

2 A. Yes, it is.

3 Q. And I will hand you back Exhibit 2
4 and just ask you the same question.

5 Is your signature on the bottom of
6 the Exhibit 2 Notification of Interview?

7 A. Yes.

8 Q. Now, I will hand you what has been
9 previously marked as Exhibit 4, which is a
10 Receipt Form.

11 Have you seen this receipt form prior
12 to today, Officer Viramontes?

13 A. Yes, I have.

14 Q. And did IAD provide you with this
15 Receipt Form on February 19, 2016?

16 A. Yes.

17 Q. And did you sign this Receipt Form on
18 February 19, 2016?

19 A. Yes, I did.

20 Q. Okay. I am now going to hand you
21 what has been previously marked Exhibit 5. This
22 is an excerpt of a CPD Case Supplementary Report
23 dated March 16, 2015, with the RD number
24 HX475653 containing Officer Viramontes'

1 statement to Detective March.

2 Officer Viramontes, have you seen
3 this exhibit, this excerpt of a Case
4 Supplementary Report prior to today?

5 A. Yes.

6 Q. And did IAD provide you with this
7 document on or about February 19, 2016?

8 A. Yes, they did.

9 Q. I will now hand you what has
10 previously been marked Exhibit 6, a General
11 Progress Report dated October 20, 2014 with the
12 RD number HX475653 containing Detective March's
13 notes of an interview of Officer Viramontes.

14 Officer Viramontes, have you seen the
15 Exhibit 6, General Progress Report, prior to
16 today?

17 A. Yes.

18 Q. And did IAD provide you with this
19 General Progress Report on or about February 19,
20 2016?

21 A. Yes.

22 Q. Okay. In order to prepare for
23 today's interview, did you review the materials
24 that we provided you through IAD?

1 A. Yes, I did.

2 Q. And those materials included video
3 from in-car video systems of the Beat 813 Robert
4 vehicle and the Beat 845 Robert vehicle; is that
5 correct?

6 A. That's correct.

7 Q. And there was also video, the OIG's
8 DVD that IAD provided you also included video
9 from a Dunkin' Donuts security camera; is that
10 correct?

11 A. That's correct.

12 Q. And did you review those videos, the
13 813 Robert video the 845 Robert video and the
14 Dunkin' Donuts security cam video prior to
15 today's interview?

16 A. Yes, I did.

17 Q. Since receiving the Notice of
18 Interview, did you review any materials other
19 than the materials OIG provided you through IAD?

20 A. No other materials.

21 Q. Aside from your attorney, who did you
22 speak to in preparation for today's interview?

23 A. Really no one. I mean, I spoke to my
24 partner, but that's my partner.

1 As far as reviewing, no, it is
2 usually more scheduling.

3 Q. Your partner, Officer Fontaine?

4 A. Yes.

5 Q. And what did you speak to Officer
6 Fontaine about in preparation for this
7 interview?

8 A. Well, not really preparation.
9 Just -- I mean, actually, I spoke to her
10 yesterday just in regards to an overtime slip.
11 That's basically it, and see how long she was
12 here. That's about it though.

13 Q. Anything other than the overtime
14 issue and how long the interview lasted with
15 Officer Fontaine?

16 A. No, no specifics.

17 MR. NEUMER: Okay. Before we get into some
18 general background questions, Counsel, is it
19 fair to say that you are willing to accept
20 receipt of the transcript of today's interview
21 within 72 hours of the OIG's receipt of that
22 interview, and not 72 hours of the interview
23 taking place?

24 MS. RUSSELL: Yes, that's fine. And also,

1 I would note that regarding the Receipt Form, it
2 indicates that there were audio files provided
3 to Officer Viramontes, and there were none, as
4 we will address later today.

5 MR. NEUMER: Exactly.

6 BY MR. NEUMER:

7 Q. Okay. With respect to your work
8 background, Officer Viramontes, could you just
9 state your full name, your star number, and your
10 current unit of assignment?

11 A. It is Officer Ricardo Viramontes,
12 R-i-c-a-r-d-o, V-i-r-a-m-o-n-t-e-s, Star 10590.
13 I am assigned to the 8th District, Chicago
14 Police Department.

15 Q. Officer Viramontes, what was your
16 unit of assignment on October 20, 2014?

17 A. I was 841 Robert.

18 Q. And what watch were you on as of
19 October 20, 2014?

20 A. That was first watch.

21 Q. Can you tell us what your chain of
22 command was as of October 20, 2014?

23 A. I don't know specifically who my
24 sergeant was. I know there was -- I don't know

1 who was the watch commander, but I believe it
2 was -- Sergeant Franko was one of them that I do
3 remember.

4 Q. Okay. Do you remember the
5 lieutenant?

6 A. No, I don't. I don't know who was
7 working that day.

8 Q. And you don't -- do you remember the
9 commander?

10 A. No, I don't. We have had so many.

11 (Discussion had off the record.)

12 THE WITNESS: The reason I say 841 Robert,
13 because that's usually my assigned car. It
14 usually gets downed when necessary, so I get
15 switched around, so I believe I was 841 Robert.
16 So I have to -- yeah, I have to --

17 MS. RUSSELL: That's fine.

18 BY MR. NEUMER:

19 Q. Officer Viramontes, what is your
20 personal cell phone number?

21 A. It is [REDACTED].

22 Q. And was that the same cell phone
23 number you had as of October 20, 2014?

24 A. The number, yes.

1 Q. Okay. I want to talk to you a little
2 bit about the Grand Jury.

3 Were you summoned to give testimony
4 before a Federal Grand Jury regarding the
5 McDonald shooting?

6 A. Yes.

7 Q. Did you give testimony before a
8 Federal Grand Jury regarding the McDonald
9 shooting?

10 A. I am sorry. Can you repeat the
11 question?

12 Q. Sure. Did you give testimony before
13 a Federal Grand Jury regarding the McDonald
14 shooting?

15 A. Yes, I did.

16 Q. And did you go before a Grand Jury on
17 more than one occasion?

18 A. No, I didn't.

19 Q. On one occasion?

20 A. Just one occasion.

21 Q. Okay. When was that?

22 A. I don't remember the date.

23 Q. Do you remember the month?

24 A. No, I don't remember the month.

1 Q. Was it in 2015?

2 A. It has been that long. It possibly
3 can be.

4 Q. So several months ago?

5 A. Yeah, I would say that.

6 Q. Okay. Did you assert your rights
7 under the 5th Amendment and refuse to testify
8 before the Federal Grand Jury?

9 A. No, I answered the questions.

10 Q. Okay. You weren't given any immunity
11 to testify before the Grand Jury?

12 A. Not that I remember, but no, I
13 answered all the questions.

14 Q. Okay. About how long were you
15 answering questions before the Grand Jury?

16 A. I don't know the amount of time I was
17 there.

18 Q. Do you think it was more than an
19 hour?

20 A. I don't -- I would just be guessing
21 right now.

22 Q. It didn't take more than a day, did
23 it?

24 A. No, not more than a day.

1 Q. Okay. Did you provide a written
2 statement to the Grand Jury?

3 A. No, I didn't.

4 Q. Prior to your Grand Jury testimony,
5 who did you speak to in preparation for that
6 testimony?

7 A. It would be counsel, but I forgot his
8 name already. I forgot the counsel's name.

9 Q. Okay. So you had counsel, and you
10 spoke to that counsel prior to your Grand Jury
11 testimony?

12 A. That's correct.

13 Q. Okay. But you don't remember his
14 name?

15 A. No. It is on the tip of my tongue.
16 I am sorry. I can't remember.

17 Q. Other than your attorney, did you
18 speak to anyone else in preparation for your
19 Grand Jury testimony?

20 A. No.

21 Q. Did you speak with Officer --

22 (Discussion had off the record.)

23 THE WITNESS: Oh, yeah, going back to your
24 question. I did meet with the Feds before the

1 Grand Jury. I forgot about that part.

2 BY MR. NEUMER:

3 Q. Who with respect to the Feds did you
4 meet with?

5 A. I don't remember their names.

6 Q. Tell us about that meeting.

7 A. I mean, I don't remember.

8 Q. So how many people did you meet with?

9 A. I don't know. I think there were two
10 people there, but I don't remember.

11 Q. And do you remember where the meeting
12 took place?

13 A. You know what, right now, I can't
14 remember.

15 Q. Okay. Was your attorney present
16 during this meeting?

17 A. Yes.

18 Q. Okay. So it was you, your attorney,
19 and two people from the Federal Government?

20 A. Yes.

21 Q. Do you know whether they were FBI
22 agents or Assistant U.S. Attorneys or --

23 A. I thought they were FBI, yeah.

24 Q. Okay. Did that meeting occur like

1 shortly before your Grand Jury testimony?

2 A. I don't know how long it was before
3 when I gave my testimony to the Grand Jury, I
4 don't remember how long it was.

5 Q. Okay. Do you recall if prior to
6 speaking with the representatives from the
7 federal government you received proffer
8 protection?

9 A. I am sorry?

10 Q. Are you familiar with that term?

11 A. No.

12 Q. Did you get any sort of -- did you
13 sign an agreement with -- prior to speaking with
14 the federal authorities?

15 A. I don't remember signing anything,
16 but I don't remember.

17 Q. Let's talk first about your meeting
18 with the federal authorities.

19 Again, your recollection is that was
20 the FBI you spoke with?

21 A. Yes.

22 Q. Okay. Did you speak with the FBI on
23 more than one occasion?

24 A. Not that I remember, no.

1 Q. Okay. So it was one time you spoke
2 with the FBI, correct?

3 A. Yeah, I believe so, yes.

4 Q. And then one time you gave a
5 statement before a Federal Grand Jury?

6 A. That's correct.

7 Q. Okay. Did you speak to any other
8 governmental officials regarding the -- or
9 investigatory agencies regarding the Laquan
10 McDonald shooting, not including CPD, but
11 following the shooting?

12 A. No.

13 Q. Going back to your interview with the
14 FBI, were you asked questions about the Laquan
15 McDonald shooting?

16 A. At the Grand Jury?

17 Q. Sorry. With the FBI, when the --

18 A. Yes, they were asking me questions
19 about the shooting.

20 Q. And did you describe the shooting to
21 the FBI?

22 A. I can't remember what specific
23 questions were asked, but they were in regards
24 to the shooting though.

1 Q. Did they ask you to go through your
2 recollection of the shooting, your witnessing of
3 the shooting?

4 A. They did show me some video of the
5 shooting.

6 Q. Okay.

7 A. In regards to -- they were asking me
8 questions about it.

9 Q. Were they asking whether you thought
10 the shooting was justified?

11 A. No, they never asked me that.

12 Q. Okay. Did they ask you about the
13 statements you made to Detective March?

14 A. No, I don't remember them asking me
15 that.

16 Q. So one of the exhibits we handed you
17 previously, Exhibit 5, was a Case Supplementary
18 Report that has a statement attributed to you.

19 Did the FBI ask you about that
20 statement or show you that statement?

21 A. No.

22 Q. Do you recall whether the FBI showed
23 you any exhibits or documents during your
24 interview?

1 A. No. The only thing they showed me
2 was that video.

3 Q. Okay. And that was the video of the
4 Laquan McDonald shooting?

5 A. That's correct.

6 Q. Did they ask you questions regarding
7 that video?

8 A. Yes, they did.

9 Q. And what were they asking you?

10 A. I don't remember the specific
11 questions they were asking me.

12 Q. Did the meeting with the FBI occur
13 before you made your statement to the Grand
14 Jury?

15 A. I am sorry. Can you repeat?

16 Q. Did your meeting with the FBI occur
17 before you testified before the Grand Jury?

18 A. Yes.

19 Q. Okay. And you never spoke to the FBI
20 after your Grand Jury testimony?

21 A. That's correct.

22 Q. Okay. Did your testimony -- so
23 having reviewed the Exhibit 5, CSR, did your
24 testimony to the FBI about the shooting event

1 differ at all from your statement to Detective
2 March in the Exhibit 5 CSR?

3 MS. RUSSELL: Can we see the Exhibit 5 so
4 he can take a look at it really quick? I don't
5 know if he read it or not.

6 MR. NEUMER: Sure.

7 THE WITNESS: Yeah, I don't remember any of
8 the specific questions that they did ask in
9 regards to this.

10 BY MR. NEUMER:

11 Q. Okay. So you don't recall any ways
12 in which your statement to the FBI differed from
13 your statements to Detective March?

14 A. The questions that they asked me from
15 this, I don't remember if they were specific to
16 this.

17 Can you ask me your question again?

18 Q. Sure. I am wondering whether your
19 statement to the FBI differed at all from the
20 statement attributed to you in the Exhibit 5
21 CSR?

22 A. I don't know what -- I can't remember
23 what statements I gave to them.

24 Q. To the FBI?

1 A. To the FBI.

2 Q. Prior to your Grand Jury testimony,
3 did you speak with any of the officers who were
4 present at the McDonald shooting scene?

5 A. I mean, I see them sometimes on a
6 daily basis.

7 Q. I will ask a different question. In
8 preparation for your Grand Jury testimony, did
9 you speak to any of the officers who were
10 present at the scene of the McDonald shooting?

11 A. Just my partner, just scheduling
12 issues.

13 Q. So you spoke to Officer Fontaine
14 about how you would cover your shift or
15 something like that?

16 A. No. It is actually it is more the
17 stress that I am getting from all this.
18 That's -- I mean, she is my partner, so...

19 Q. Did you have any substantive
20 conversations with Officer Fontaine in
21 preparation for your Grand Jury testimony about
22 the night of the McDonald shooting?

23 A. No.

24 Q. Did you have any conversations

1 regarding the night of the McDonald shooting
2 with any of the other officers who were present
3 at the scene in preparation for your Grand Jury
4 testimony?

5 A. No.

6 Q. Would you have exchanged any phone
7 calls, texts, e-mails with Officer VanDyke prior
8 to your Grand Jury testimony?

9 A. Specific to Officer VanDyke, is that
10 what you are asking me?

11 Q. Yes, yes.

12 A. No.

13 Q. How about with any e-mail, text or
14 phone exchange with any of the other officers
15 who were present at the McDonald shooting? And
16 I can go through the names if you would like me
17 to.

18 A. It is not necessary. You don't need
19 to. I don't remember if texts were sent or --
20 that night.

21 Q. No, no, no. Sorry. I am talking
22 about in preparation for your Grand Jury
23 testimony, did you have any phone
24 communications, e-mails, or texts with any of

1 the officers who were present at the scene of
2 the shooting?

3 We have talked about VanDyke, and now
4 I am talking about the other officers.

5 A. No, no.

6 Q. Okay. Well, let me -- well, let me
7 actually ask you about your relationship with
8 the other officers at the scene of the shooting.

9 So I am just going to go one at a
10 time here.

11 What was your relationship with
12 Officer Fontaine as of October 20, 2014?

13 A. She is my partner. I have probably
14 been to her house once. That's about it though.

15 Q. Okay. And how long have you two been
16 partners as of October 20, 2014?

17 A. I can't be specific. It has been
18 years now.

19 Q. Okay. Couple of years?

20 A. Couple years.

21 Q. Okay. And how often did you
22 socialize with Officer Fontaine outside of work?

23 A. Rare; very, very, very rare.

24 Q. Rare occasions?

1 A. Yeah. I mean, like I said, I think I
2 have been to her house once.

3 Q. And where does Officer Fontaine live?

4 A. She lives further south from -- I
5 don't even know her address.

6 Q. Okay. What neighborhood do you
7 reside in?

8 A. I live in Garfield Ridge.

9 Q. What's the nearest intersection?

10 A. That would be Archer, Archer and --
11 if you want a bigger -- Central.

12 Q. Archer and Central?

13 A. Uh-huh.

14 Q. Okay. What was your relationship
15 with Officer VanDyke as of October 20, 2014?

16 A. I don't even speak to him. I mean,
17 if I did, it was once in a big great while if he
18 was sitting next to me, but I don't have a
19 relationship with him.

20 Q. Okay. Have you ever worked with him?

21 A. I don't think so, no.

22 Q. Okay. Did you ever socialize with
23 Officer VanDyke outside of work?

24 A. No.

1 Q. Were you ever interviewed as part of
2 a complaint someone had made against Officer
3 VanDyke?

4 A. No.

5 Q. How about Officer Gaffney? What was
6 your relationship with Officer Gaffney as of
7 October 20, 2014?

8 A. I guess more of a -- I mean, I talk
9 to him probably more than some of the officers
10 because of my beat. That's why.

11 Q. And do you -- how often do you see
12 him at work?

13 A. I think we have the same day off
14 group, so I kind of almost see him almost
15 everyday.

16 Q. Do you have any relationship with
17 Officer Gaffney outside of work?

18 A. No.

19 Q. No socializing?

20 A. No.

21 Q. Okay. What was your relationship
22 with Officer McElligott as of October 20, 2014?

23 A. I would say the same.

24 Q. Same as with Gaffney?

1 A. Yes.

2 Q. So you would see him on an almost
3 daily basis at work?

4 A. Yeah.

5 Q. Any socializing with Officer
6 McElligott?

7 A. No.

8 Q. What was your relationship with
9 Officer Arturo Bacerra as of October 20, 2014?

10 A. I don't know him.

11 Q. Don't know who that is?

12 A. I think I know -- the person, but I
13 don't -- I think he is on a different watch if I
14 am not mistaken.

15 Q. So you never work with Officer
16 Bacerra?

17 A. No.

18 Q. Do you ever socialize with Officer
19 Bacerra?

20 A. No.

21 Q. What was your relationship with
22 Officer Janet Mondragon as of October 20, 2014?

23 A. I talk to her when I see her.

24 Q. At work?

1 A. At work, yes.

2 Q. And are you guys ever partnered up at
3 work?

4 A. I -- once in a great while. I mean,
5 like I said, my car gets downed, I get thrown
6 everywhere.

7 Q. Sure, sure. So once in awhile, you
8 might partner with Officer Mondragon?

9 A. Once in awhile.

10 Q. Is that true with Officer Gaffney and
11 Officer McElligott?

12 A. I have worked with them at one time
13 or another.

14 Q. But Officer Fontaine is your regular
15 partner?

16 A. That's correct.

17 Q. Any socializing with Officer
18 Mondragon outside of work?

19 A. No.

20 Q. What was your relationship with
21 Officer Daphne Sebastian as of October 20, 2014?

22 A. There is no real -- same thing with
23 like Janet Mondragon, Officer Mondragon.

24 Q. May have partnered with her once

1 every so often?

2 A. Yes.

3 Q. And see her on a daily or weekly
4 basis at work?

5 A. Well, the off groups, depending on.
6 If she is there, I mean, it is not -- we are a
7 very small watch so, you know, I talk to them
8 once in awhile.

9 Q. Sure, sure. Do you ever socialize
10 with Officer Sebastian outside of work?

11 A. No.

12 Q. What was your relationship with
13 Officer Leticia Velez as of October 20, 2014?

14 A. Actually, I didn't know her until all
15 this so...

16 Q. Okay. How about since then? Do you
17 ever work -- since October 20, 2014, do you work
18 with her ever?

19 A. No. She is on a different watch.

20 Q. Okay. Either prior to or post
21 October 20, 2014, do you ever socialize with
22 Officer Velez?

23 A. No.

24 Q. What was your relationship with

1 Officer Walsh as of October 20, 2014?

2 A. I have worked with him before, but no
3 socializing after work.

4 Q. Okay. I want to go back to the Grand
5 Jury. You said no texts, phone calls,
6 communications with any of those officers we
7 just discussed in preparation for your Grand
8 Jury testimony?

9 A. No, not that I can -- no, I don't
10 think so, no.

11 Q. Okay. When you testified before the
12 Grand Jury, were you asked questions about the
13 Laquan McDonald shooting?

14 A. I am sorry. Can you repeat again?

15 Q. When you testified before the Federal
16 Grand Jury, were you asked questions about the
17 Laquan McDonald shooting?

18 A. Yes, I was.

19 Q. Did you describe the shooting
20 incident to the Grand Jury?

21 A. I don't remember how they -- they
22 brought it about, but I don't know the
23 specifics.

24 Q. So I guess did you give a description

1 of the shooting to the Grand Jury?

2 A. If I can remember, it was just a
3 video that they did show, also. They showed me
4 a video.

5 Q. Okay. They showed you a video of the
6 Laquan McDonald shooting?

7 A. Yes, they did.

8 Q. And was that one of the videos that
9 OIG provided you on a DVD prior to today's
10 interview?

11 A. I don't remember -- yeah, it could
12 have been. You know, I am not sure.

13 Q. Do you think it was -- you were shown
14 one of the dash cam videos?

15 A. It was a dash cam video.

16 Q. So you were shown the dash cam video
17 when you were testifying before the Grand Jury,
18 and were you asked questions about that video?

19 A. Yes.

20 Q. Okay. What sort of questions did
21 they ask you about the dash cam video?

22 A. I don't remember the questions.

23 Q. That was --

24 MS. RUSSELL: Do you want him to say

1 generally?

2 MR. NEUMER: I mean, I just want his
3 best -- I don't want anything that's
4 speculation.

5 I would just think that, again, you
6 know, this is an important day in your life.
7 You had an obligation to tell the truth. It was
8 subject to possible criminal liability if you
9 told any untruths, so I just -- I think that,
10 you know, what you can remember and tell us
11 about what went on in front of the Grand Jury as
12 best you can.

13 MS. RUSSELL: I think we are getting caught
14 up on, you know, specifics versus general.

15 I believe he is trying to explain
16 that he can't remember specifically what was
17 said, but maybe if you explain generally what
18 the substance of your testimony was, that will
19 help.

20 THE WITNESS: I mean, as far as the video
21 goes, I mean, it is -- I am trying to -- I am
22 sorry.

23 I am getting the interview and the --
24 the interview with the Federal, with the Feds

1 and the Grand Jury all mixed up, because they
2 were both different. That's why.

3 BY MR. NEUMER:

4 Q. Okay. Well, let me walk it back a
5 little bit and just say like, okay, so you are
6 testifying before the Grand Jury. What general
7 topics are they asking you about?

8 A. They were asking me where I was -- in
9 what position my car was. I believe that's one
10 of the topics that they did touch on.

11 Q. Okay.

12 A. What was I doing at the time. I
13 mean, that's -- I can't remember any more.

14 Q. Did they ask you whether you thought
15 the shooting was justified or not?

16 A. I believe they never -- they never
17 asked me that question.

18 Q. Were you shown -- this is when you
19 were before the Grand Jury, did they -- were you
20 provided any exhibits or documents?

21 A. Just the video. There was no other
22 documents.

23 Q. Were you provided your statement to
24 Detective March?

1 A. No, I wasn't.

2 Q. Did you review your statement to
3 Detective March prior to your Grand Jury
4 testimony?

5 A. No.

6 Q. Did you review any materials in
7 preparation for your Grand Jury testimony?

8 A. No.

9 Q. Okay. Besides your attorney, did you
10 talk to anyone else in preparation for your
11 Grand Jury testimony?

12 A. No.

13 Q. Prior to your Grand Jury testimony,
14 did you make any attempt to ensure your story
15 did not conflict with any of the other officers
16 who were at the scene of the shooting?

17 A. No, because my testimony to me was so
18 insignificant, I forgot all about it until just
19 the recent events that I got notified for this.

20 Q. You forgot about your Grand Jury
21 testimony before this --

22 A. Well, the thing is, to me, my account
23 of what happened was -- I mean, it is -- to me,
24 I gave an account, and I forgot all about it. I

1 found out later that my name was in the paper
2 and that's how I found out.

3 Q. So you were asked where you were at
4 the time of the shooting?

5 A. Yes.

6 Q. Okay. And sort of what you were
7 doing at the time of the shooting?

8 A. Yes.

9 Q. Were you asked to describe what you
10 saw with respect to the shooting?

11 A. Yes.

12 Q. Okay. And what did you say when you
13 were asked to describe what you saw with respect
14 to the shooting?

15 MS. RUSSELL: He is going to stand by his
16 Grand Jury testimony as truthful and documented,
17 but go ahead and answer if you can.

18 THE WITNESS: I mean, just basically what I
19 heard, what I saw -- more specific what I did,
20 in relation to when the shooting happened.

21 BY MR. NEUMER:

22 Q. And what did you do?

23 A. Well, the problem is my timing was
24 all wrong because just different videos were

1 shown to me at one time, zoomed up more.

2 When I gave my testimony to the Grand
3 Jury, I believed I was out of the car when the
4 actual shooting happened. That was probably one
5 thing that I did remember saying.

6 Q. Okay.

7 A. Because after everybody keeps showing
8 me different videos, I found that later on that
9 I was actually not even out of the car when it
10 happened.

11 Q. Okay. So prior to your Grand Jury
12 testimony, did you review the videos -- any
13 videos of the --

14 A. No.

15 Q. You didn't review any videos --
16 sorry. I will complete my question.

17 A. Sorry.

18 Q. Prior to your Grand Jury testimony,
19 did you review any videos of the McDonald
20 shooting?

21 MS. RUSSELL: Other than what he testified
22 to already with the FBI?

23 MR. NEUMER: Correct.

24 THE WITNESS: I mean, no.

1 BY MR. NEUMER:

2 Q. Okay. And so you believe you
3 testified before the Grand Jury that you were
4 out of the car when you witnessed the McDonald
5 shooting?

6 A. Yeah, that's what I thought.

7 Q. And so as of today, is your
8 understanding different as to where you were
9 located at the time of the shooting?

10 A. Well, just to make this straight.
11 One of the -- somebody -- I don't know if it was
12 one of the Feds at the Grand Jury did bring up
13 that question, because the video did show, and
14 after they showed it to me, I realized that the
15 timing wasn't what I thought.

16 So I did correct myself during the
17 Grand Jury so just to get that straight.

18 Q. Okay. So you were asked about where
19 you were; correct?

20 A. That's correct.

21 Q. And you said before the Grand Jury
22 that you were outside of the vehicle when you
23 saw the shooting initially; correct?

24 A. That's correct.

1 Q. And then you were shown the video at
2 the Grand Jury; correct?

3 A. That's correct.

4 Q. And then after you saw the video at
5 the Grand Jury, you said, I was actually inside
6 the vehicle when I watched the shooting?

7 A. Well, it -- just the timing. I --
8 when -- see -- what I have to make -- I have
9 to -- I am sorry. Hold on. Let me just get my
10 thoughts straight.

11 I did correct myself during the Grand
12 Jury as far as the timing goes, because
13 everything that I thought I did at the time of
14 the shooting was incorrect.

15 Now, after the video of the McDonald
16 shooting was released to the public, I finally
17 realized that even the timing, even when I did
18 change it at one time, was totally different
19 still.

20 I mean, so the perspective that I had
21 at that time was just my timing was just
22 distorted.

23 Q. When you testified before the Grand
24 Jury?

1 A. That's correct.

2 Q. How much of the video did they play
3 for you?

4 A. I can't remember the specifics, but I
5 know I remember my car approaching, my vehicle
6 approaching, just after the shooting sometime, I
7 don't know specifics as far as the, you know,
8 timeline.

9 Q. So at least from when your vehicle
10 approached the scene of the shooting to when the
11 shooting finished?

12 A. That's correct.

13 Q. Okay. And it might have been more,
14 but --

15 A. Yeah, I mean, that's give or --

16 Q. Okay. Was the video that you were
17 shown before the Grand Jury the same video that
18 the FBI showed you?

19 A. I believe they are the same.

20 Q. Okay. And do you know whether or not
21 that was the 813 Robert dash cam video that we
22 provided you in advance of today's interview?

23 A. Yes.

24 Q. So you believe that all the video we

1 provided you, the 813 Robert dash cam video was
2 the same as the video you were shown before the
3 Grand Jury, and that was the same as the video
4 that was shown to you by the FBI?

5 A. That's correct.

6 Q. Okay. Do you recall whether you were
7 asked in the Grand Jury about any of your
8 statements to Detective March?

9 A. I don't remember them asking me any
10 questions about my statements.

11 Q. Okay. Anything else you can remember
12 from your Grand Jury testimony?

13 A. No.

14 Q. General topics that were covered?

15 A. No. It is just the one thing that
16 stood out in my mind was the timing. That's
17 when I realized.

18 MR. NEUMER: Okay. At this time, I am
19 going to turn the questioning over to my
20 colleague for follow-up as to Grand Jury and
21 your testimony before the Grand Jury.

22

23

24

EXAMINATION

BY MR. BROWN:

Q. How are you doing?

A. All right.

Q. Do you want to take a drink of water
or anything?

A. Yeah, my throat is starting to
irritate me again.

Q. If you want to slow down or take a
break.

A. No, I just want to get this through.

Q. Okay. I wanted to ask you, how were
you notified of your appearance before the Grand
Jury?

A. I believe it was in roll call, I got
a summons, I believe. I think that's what it
was.

Q. Okay. So --

A. I am sorry. No, I think I got it
during roll call. They gave me a summons,
usually the sergeant hands it over.

Q. Just a regular day at work, you
weren't expecting it, just the sergeant gives it
to you one day?

1 A. Yeah, I think that's how it happened.
2 It has been so long.

3 Q. Do you recall if other people
4 received their notifications in the same manner?

5 A. I don't remember. I don't remember
6 who got it or when they got it.

7 Q. Okay. When you went before the Grand
8 Jury -- I know you don't remember exactly when
9 it occurred, I just wanted to ask you, do you
10 remember if it was hot outside?

11 A. I am trying to remember what I was
12 wearing. I believe it was warm, but it is just
13 my guess.

14 Q. Sure. That's fair. And you also
15 mentioned your meeting with the -- who you
16 believe to be the FBI?

17 A. Yes.

18 Q. Do you recall if that meeting
19 occurred while you were at work for CPD?

20 A. It wasn't while I was at work.

21 Q. So the meeting occurred --

22 A. Some off-site.

23 Q. So the meeting occurred at a
24 different location?

1 A. That's correct.

2 Q. Do you recall if you went to the
3 meeting while you were kind of on the clock for
4 your job at CPD, during your normal working
5 hours?

6 A. No, it wasn't during my normal
7 working hours, no.

8 Q. So the meeting was kind of arranged
9 with you?

10 A. Yes.

11 Q. Okay.

12 A. I am just trying to think of the
13 location where it was at, and I can't recall
14 right now.

15 Q. Sure. Is it possible that you met
16 with the FBI agents on Roosevelt Road?

17 A. I really can't remember.

18 Q. And I only ask that because the FBI
19 has their headquarters located --

20 A. Oh, it wasn't at their headquarters.
21 That I know.

22 Q. So you know it wasn't at their
23 headquarters?

24 A. Yes.

1 Q. Do you think it was possibly another
2 CPD location other than your district?

3 A. I think it was at 26th and
4 California. The only reason I remember was the
5 lunch area because that's where I met my
6 attorney.

7 Q. That was kind of getting to my next
8 question.

9 At that meeting with the FBI, do you
10 recall if there were attorneys there at that
11 meeting?

12 A. Just my attorney. I think it was
13 Fahy. It was Attorney Fahy. I couldn't
14 remember his name.

15 MR. NEUMER: Is that F-a-h-y?

16 MS. RUSSELL: Yes.

17 BY MR. BROWN:

18 Q. At that meeting with the FBI where
19 your attorney Mr. Fahy attended, do you recall
20 if attorneys from the U.S. Attorneys Office
21 appeared or maybe attorneys from the Cook County
22 State's Attorneys office appeared?

23 A. I don't remember who was exactly
24 there. I know the Federal, they were there, but

1 there might have been somebody else asking
2 questions as well.

3 Q. In addition to the two Federal
4 Agents?

5 A. I am sorry. This is the Grand Jury
6 that I am thinking of. I am sorry.

7 Q. That's quite all right. Just in
8 relation to that meeting with the FBI that
9 happened before the Grand Jury appearance you
10 made, do you recall if there were other persons
11 there besides the two FBI agents?

12 A. I don't remember anybody else, no.
13 There shouldn't have been. I think there were
14 just the Federal agents there.

15 Q. Okay. Prior to speaking to the
16 Federal agents, had you seen Exhibit 5, the Case
17 Supplementary Report, or Exhibit 6, the General
18 Progress Report?

19 A. No, I didn't see those.

20 Q. And I believe you already stated that
21 you had not seen those before your Grand Jury
22 testimony either; correct?

23 A. That's correct.

24 Q. Okay. There were a couple of

1 questions about your relationships with the
2 officers. I just had one follow-up there.

3 A. Sure.

4 Q. You mentioned VanDyke. I wanted to
5 ask, how often was it that you worked with
6 Officer VanDyke?

7 A. I never -- I don't believe I ever
8 worked with Officer VanDyke.

9 Q. And is it accurate to say that he was
10 not a member of your watch?

11 A. No, he was in our watch.

12 Q. Okay.

13 A. But I never worked with him as far as
14 in the same car. I don't think I did, no.

15 Q. Okay. But if some event occurred
16 that it called for other officers to support one
17 another, would VanDyke be one of those officers
18 that could support?

19 A. I worked the whole district.
20 Depending on where I am working, I could have
21 easily had been at the same scene for assistance
22 at one occasion or another but --

23 MS. RUSSELL: I think when he says he
24 hasn't worked with VanDyke, as partners, right?

1 THE WITNESS: Yeah, partners.

2 MS. RUSSELL: But, they are on the same --

3 THE WITNESS: As far as say an officer
4 needs assistance, I could have easily been
5 there.

6 BY MR. BROWN:

7 Q. Okay. Just as the same situation
8 with those other officers we mentioned earlier
9 to you, that you might have worked with them
10 depending on the circumstance?

11 A. Yes, that's correct.

12 Q. All right. Now, you mentioned you
13 were in a small watch group. I wanted you to
14 explain that a little bit more to me. Is that
15 different than the district group?

16 A. Well, I used to work third watch,
17 which is a bigger, because it is afternoons.

18 Because it is midnights, I don't know
19 for some reason they skimped out on the
20 manpower, but it is just a smaller group that we
21 work with.

22 Q. And those officers we mentioned to
23 you, they are part of the midnights watch;
24 correct?

1 A. Except for Bacerra and --

2 MR. NEUMER: Velez?

3 THE WITNESS: Yeah, they were on another
4 watch.

5 BY MR. BROWN:

6 Q. Okay. And would it be normal for you
7 to when you receive jobs over the radio to
8 provide assistance to any officers as needed, as
9 in the example with the McDonald incident?

10 A. That's correct.

11 Q. Okay. This might be a hard question,
12 but how frequently would you receive that type
13 of call where you were asked to provide
14 assistance to other officers and you had to
15 travel to a location?

16 A. I mean, there will be times when an
17 officer doesn't really ask for assistance.

18 If we are close by, we will assist,
19 but it depends on the calls. I mean, there is a
20 large volume of calls that come through so...

21 Q. So it could be once a day?

22 A. It could be multiple times a day
23 that, you know, an officer needs assistance or
24 there is a call that's close by, we will go and

1 assist.

2 Q. So it just depends on the flow of how
3 things are going?

4 A. Just the way things go, yes.

5 Q. Okay. And whenever you would come to
6 provide assistance to another officer, would you
7 and the officer you assisted have any
8 conversations as to what occurred afterwards?

9 A. Like I said, it all depends. There
10 will be times where we just take off. If
11 everything is handled, we will just leave.

12 Q. Okay. So if -- I was wondering if
13 there was any paperwork that was required to
14 completed per the assistance to an officer,
15 would there be any conversations before the
16 paperwork would be completed?

17 A. It all depends on the job, type of
18 job. If it needs paper, they might put us on
19 the paper.

20 I mean, it is -- but like I said, it
21 just depends on the job.

22 Q. So if the job calls for paper, would
23 it be typical that there would be some kind of
24 conversations between yourself and whatever

1 officers you might have assisted before
2 completing the paper?

3 A. If I am assisting somebody, it
4 depends on my role in the assistance.

5 I mean, there would be times just my
6 presence being there might -- they don't require
7 anything from me.

8 Like I said, it all depends on the
9 job, so it differs.

10 Q. Does that mean there would be some
11 situations where I guess depending on your role
12 they might need to speak with you to kind of get
13 an understanding of what occurred before making
14 the reports on paper?

15 A. It is fair to say, yes.

16 MR. BROWN: That's all I have.

17 MR. NEUMER: Just really quickly.

18
19
20
21
22
23
24

1 FURTHER EXAMINATION

2 BY MR. NEUMER:

3 Q. How often did you see Officer VanDyke
4 on a weekly basis at work?5 A. I couldn't even answer that. I don't
6 even know his day off group or anything. Like I
7 said, I don't know.8 Q. I mean, like was he one of the people
9 you would see everyday or a couple times a week?10 A. I don't know. There were people I
11 only see once, once or twice a week, but I --
12 like it is not somebody I talked to. It is not
13 somebody I know.14 Q. Okay. You don't regularly have
15 conversations with Officer -- or didn't
16 regularly have conversations with Officer
17 VanDyke when you were at work?

18 A. That's correct.

19 Q. Okay. And how many officers are on
20 your watch?21 A. I couldn't count. I don't know what
22 the watch is.

23 Q. Like is it over 100 or --

24 A. I would be guessing right now. To be

1 honest with you, I don't know, because there is
2 some -- like I said, there is some officers I
3 don't -- I maybe see once or twice. It is a --
4 it keeps moving, because people are on vacation
5 or -- so I don't know who is there or who is
6 not.

7 Q. Okay. I want to talk to you about
8 the events of October 20, 2014.

9 A. Okay.

10 Q. You were present when Laquan McDonald
11 was shot that night; correct?

12 A. That's correct.

13 Q. I want you to walk us through your
14 actions following the shooting in as much detail
15 as you can remember.

16 I am looking for you to just kind of
17 go step-by-step immediately what you did or what
18 you did immediately after the shooting, and then
19 take us through, and I will ask questions
20 throughout, but I want you to just walk us
21 through your best recollection as to what
22 actions or what you did following the shooting.

23 A. Well, after the shooting, I stayed
24 mostly by my vehicle. I really didn't know what

1 to do, so I started walking around, and then I
2 decided to go look for my partner.

3 Q. Okay. That's Officer Fontaine?

4 A. Officer Fontaine, yes. After I found
5 her, we headed to the vehicle and --

6 Q. Where was she?

7 A. You know what, there was so many
8 people there, so I don't know where exactly I
9 found her or she found me, but eventually we got
10 into the car.

11 Q. The 841 Robert vehicle you were
12 assigned to?

13 A. That's correct.

14 Q. Okay.

15 A. And we decided -- I don't know if
16 they were assigning it to us, but we were going
17 to go assist with traffic.

18 Q. Okay.

19 A. Immediately after we got in our car,
20 we turned around. I believe it was one of the
21 sergeants that told us we were the paper car,
22 which is basically doing the report.

23 Q. Okay. Tell us a little bit about
24 what a paper car is?

1 A. The paper car is basically the car
2 that does the case report.

3 Q. Okay. And tell us what a case report
4 is?

5 A. It is just a document where depending
6 on what the type of event is, just a
7 documentation of events or -- it is just a
8 document we have to create.

9 Q. Okay. Does it document the officers
10 who were present at the scene?

11 A. Yes.

12 Q. Let me ask you a different question.
13 What information is contained in a case report?

14 A. Well, like I said, it depends on the
15 event.

16 Q. Okay.

17 A. With this event, basically what was
18 on that report was just to refer to the
19 supplement of -- the detective's supplement and
20 trying to get as much as far as the individuals
21 that were -- the officers that were on scene on
22 that report.

23 Q. So you want to get the individuals
24 who are on scene. Anything else?

1 A. As far as that report, that's all I
2 can remember now.

3 Q. Okay. Before we go into that, talk
4 to me about your efforts at crowd control or
5 perimeter control or traffic. I can't remember
6 what your phrase was.

7 A. To traffic control?

8 Q. Yeah.

9 A. What we were trying to do?

10 Q. Yeah, you mentioned that --

11 A. Oh, we were about to go and block off
12 one of the streets.

13 Q. Okay.

14 A. But I believe one of the sergeants
15 went over the air, and I can't remember which
16 one, but assigned us the job.

17 Q. So before you really were able to
18 block off a street, you got asked to do the case
19 report?

20 A. That's correct.

21 Q. Okay. At any time while you were at
22 the scene, did you see -- well, let me ask you
23 first. Did you direct any witnesses to the
24 shooting to leave the scene?

1 A. No.

2 Q. Did you see at any time while you
3 were on the scene of the shooting any other
4 officers direct witnesses to the shooting away
5 from the scene?

6 A. No.

7 Q. Okay. So before you can do, I will
8 call it a traffic control, there is an order
9 over the radio asking you and Officer Fontaine
10 to do a case report or to be the paper car?

11 A. That's correct.

12 Q. Okay. And so by "paper car," you
13 interpret that as you and Officer Fontaine have
14 to complete the case report?

15 A. That's correct.

16 Q. So tell us what happens next.

17 A. I believe we were parked in front of
18 a Dunkin' Donuts, still on the street.

19 Q. On Pulaski?

20 A. On Pulaski.

21 Q. So you and Officer Fontaine are in
22 the 841 Robert vehicle parked in front of the
23 Dunkin' Donuts on Pulaski?

24 A. That's correct. I don't know how

1 long it was that we were still -- we were
2 parked, when another sergeant came over and told
3 us to follow the ambulance with the body.

4 Q. You said you and Officer Fontaine
5 were apart or were -- were you apart or were you
6 in the vehicle together?

7 A. It was on and off, because Officer
8 Fontaine was doing the case report. She was
9 doing it on the computer.

10 Q. Okay. In the vehicle?

11 A. In the vehicle.

12 Q. Okay.

13 A. I was -- my job, which I didn't have
14 that -- I was going around -- getting
15 everybody's -- as much as I can, my ability to
16 get everybody's name and star and what beat of
17 assignment they were.

18 Q. Okay. Do you remember who you talked
19 to at the scene while you were assisting in the
20 completion of the case report?

21 A. No. It was chaotic. It was just so
22 many people coming and going.

23 Q. Okay. While you were sort of walking
24 around the scene of the shooting; is that fair

1 to say?

2 A. Yeah.

3 Q. Or the perimeter? Where are you
4 walking?

5 A. I don't believe I ever went close to
6 where the -- McDonald was at. It was more of
7 the perimeter, trying to get the beat cars that
8 were around.

9 Q. Okay. And help me out with the
10 timing.

11 Is McDonald still -- is he still
12 present at the scene while you are walking
13 around?

14 A. I don't know the timing, but like I
15 said, another sergeant, while we were there,
16 assigned us to go with the ambulance, so I don't
17 know what the time was, so I don't know how long
18 we were still there.

19 Q. I gotcha. But when you first went
20 out to talk to individuals who were at the scene
21 to collect the star numbers and that sort of
22 thing, Laquan McDonald must still have been at
23 the scene, right, because the accident hadn't
24 left?

1 A. Yeah, he was still there.

2 Q. Does that sound fair?

3 A. Yeah.

4 Q. So this must be pretty shortly after
5 the shooting then, correct?

6 A. That's correct.

7 Q. Okay. So while you are, I will call
8 it canvassing the scene a little bit, trying to
9 collect star numbers and names of the
10 individuals who are at the scene, did you have
11 any substantive conversations with those
12 individuals regarding the shooting?

13 A. No. At that point, I didn't even
14 know still what was going on as far as what
15 happened with 815 Robert, because that's what
16 their initial call was from, and it was just
17 bits of information that people were providing
18 us with.

19 Q. Okay. So you are out there
20 collecting information, and then there is a
21 call, and you get assigned to accompany the
22 body?

23 A. Yeah, that's --

24 Q. Walk me through that.

1 A. Well, I don't know how long it was
2 when we were sitting there when one of the
3 sergeants goes over the air and tells us to go
4 follow the ambulance to the hospital.

5 Q. So you were in the 841 Robert vehicle
6 when that call came in?

7 A. I don't know exactly if I was outside
8 or inside the vehicle giving Officer Fontaine
9 some of the information as far as names so she
10 can --

11 Q. But you two were together?

12 A. On and off, yes. I was -- she was
13 mostly in the car, because she had to do -- she
14 was typing and making phone calls.

15 Q. I am just wondering if she had to
16 come out and grab you on the scene or if you
17 were right there and said let's go?

18 A. I think it was -- I don't know when
19 it was, but we did get assigned to go to the
20 hospital.

21 Q. Okay. And did you follow the body to
22 the hospital?

23 A. Well, we started to, yes, and my
24 partner was very frustrated. She goes over the

1 air and tells, you know, just frustrated to tell
2 what do you want us to do; do you want us to
3 follow the ambulance or do this report.

4 Q. Okay. And what was the response?

5 A. They told us, well, just stay -- do
6 the report, so we turned back. So we were
7 already traveling, and we returned.

8 Q. Okay. About how long were you away
9 from the scene of the shooting?

10 A. I mean, it wasn't -- we got up the
11 ramp. I mean, I don't know, I don't know, from
12 the time that we started the car moving, I don't
13 know, it could have been seconds. I mean, maybe
14 a minute maybe.

15 Q. Okay. And then you came -- so you
16 get back to the scene. Where do you park?

17 A. It is almost the same location. We
18 weren't far. I mean --

19 Q. Near the Dunkin' Donuts on Pulaski?

20 A. Yes.

21 Q. So once you get back to the scene,
22 what happens?

23 A. We just completed our report. You
24 know, there is bosses everywhere. It was

1 chaotic. I mean, there was people everywhere.

2 Q. And when -- did you go back out to
3 do -- again, I will call it a canvass, another
4 canvass of the scene to collect more
5 information?

6 A. Well, I tried -- like I said, my job
7 was to try and get everybody's -- who was on
8 scene basically.

9 So if I didn't -- I mean, I tried to
10 the best of my ability. I am pretty sure I
11 missed somebody.

12 Q. No, no. My question is --

13 MS. RUSSELL: They are like thanking their
14 lucky stars right now they were missed.

15 BY MR. NEUMER:

16 Q. My question is before you got called
17 to follow the ambulance, you were out on the
18 scene outside the vehicle talking to people
19 getting information?

20 A. Well, just getting their name.

21 Q. Getting their information?

22 A. Yes.

23 Q. And my question is after you came
24 back to the scene, were you again out in the

1 area of the shooting, the general area

2 collecting more information?

3 A. Trying to see who I had missed.

4 Q. Okay. And so once you collect that
5 information outside, how do you give it to
6 Officer Fontaine so she can complete the report?

7 A. I mean, everything was written on a
8 scratch paper.

9 Q. And you just hand it to her?

10 A. Just hand it to her, yeah.

11 Q. Okay. And did you -- other than
12 collecting basic info from individuals at the
13 scene of the shooting, did you have any
14 conversations with -- more substantive
15 conversations about the shooting with anyone at
16 the scene?

17 A. No. I mean, I believe I just stayed
18 mostly by the car, just waiting until we were
19 done.

20 Q. At any time, did you speak to
21 Detective March at the scene of the shooting?

22 A. I believe that was his name, when he
23 approached us, yes.

24 Q. Okay. So tell us about your -- did

1 you have a conversation with Detective March at
2 the scene?

3 A. It was very brief. He asked me my
4 name, star, unit of assignment, and a quick
5 brief of what happened.

6 Q. Okay. Where were you when you talked
7 to Detective March?

8 A. This was in the car.

9 Q. Was Officer Fontaine in the car?

10 A. Yes, she was.

11 Q. Was he speaking to you at the same
12 time?

13 A. Yeah, it was just, like I said, real
14 general, real quick. He was doing whatever he
15 needed to do.

16 Q. Okay. Did he ask you for your name
17 and star number and then Officer Fontaine's name
18 and star number?

19 A. Yeah, that's correct.

20 Q. Okay. Was he asking questions to you
21 individually or to you both?

22 A. He really didn't ask questions as far
23 as just our name and stars, just, you know, what
24 happened, just give a quick brief.

1 Q. So when he asked you what happened,
2 is he saying, Officer Viramontes, what happened,
3 or is he saying, hey, guys, what happened here?

4 A. Yeah, I don't know exactly what
5 words, but that's how it was, more informal.

6 Q. I guess my question is --

7 MS. RUSSELL: Was he addressing both of you
8 guys?

9 THE WITNESS: I can't remember if it was
10 just -- because he was by my window. I might
11 have gone out just so he could -- if Officer
12 Fontaine had anything else to say, but I was
13 always present there.

14 BY MR. NEUMER:

15 Q. Okay. So your recollection is that
16 you were inside the vehicle when Detective March
17 came up to talk to you?

18 A. I believe so I was.

19 Q. So windows open?

20 A. Yes.

21 Q. He comes up. Officer Fontaine is in
22 the driver's seat or the passenger's seat?

23 A. She is the passenger.

24 Q. So she is in the passenger's seat,

1 you are in the driver's seat, and then March
2 talks to you through the open window; is that
3 correct?

4 MS. RUSSELL: I just want to make sure one
5 thing is clear. I don't know that he exactly
6 knows that it was Detective March.

7 MR. NEUMER: Okay. Sure, sure. Good
8 point.

9 BY MR. NEUMER:

10 Q. So a detective comes up to you when
11 you are in the 841 Robert vehicle on the
12 scene -- at the scene of the shooting; is that
13 correct?

14 A. That's correct.

15 Q. So you are in the 841 Robert vehicle
16 in the driver's seat?

17 A. Yeah.

18 Q. And Officer Fontaine is in the
19 passenger's seat, and Detective March approaches
20 the driver's side window which at some point is
21 open and asked you questions -- or asked you for
22 your name and star number; is that correct?

23 A. That's correct.

24 Q. And at that same time, he asked

1 Officer Fontaine for her name and star number?

2 A. That's correct.

3 Q. And then he asks generally what
4 happened?

5 A. Yeah.

6 Q. Okay.

7 A. No specific questions or anything.

8 Q. And what did you tell the detective?

9 A. Just exactly what I thought I saw. I
10 saw Mr. McDonald walking down the street
11 swinging his arm very angrily, he looked very
12 agitated.

13 I saw him turn towards the officers,
14 and Officer VanDyke started shooting.

15 Q. Do you recall what Officer Fontaine,
16 how she described the shooting to the detective
17 who came up to the window?

18 A. No, I don't recall what she said to
19 him.

20 Q. Do you recall it differing from what
21 your version of the shooting was at all?

22 A. I don't remember. I don't know if it
23 differed or anything.

24 Q. Okay. While you were at the scene of

1 the shooting, did you ever talk to Officer
2 Fontaine about the shooting, about what you had
3 just witnessed?

4 A. I mean, there was really no time to
5 even have a conversation. I mean, people were
6 asking us questions, you know, in regards to the
7 report, she had to do phone calls. I mean, we
8 were constantly keeping busy until we got to the
9 area.

10 Q. Okay. Did you like after the night
11 of the shooting, did you ever learn that the
12 detective who came up to your window, did you
13 ever learn his name?

14 A. He probably did tell me his name, I
15 just don't know if March, that was his name,
16 but --

17 Q. Okay. Based on the information you
18 reviewed in preparation for today's interview,
19 do you believe that the detective who came up to
20 your window was Detective March?

21 A. Yes, I mean, just from the notes.

22 Q. Okay. Do you recall when Detective
23 March was speaking to you and Officer Fontaine
24 at the scene of the shooting, whether he was

1 taking notes?

2 A. I believe he was, yes.

3 Q. Okay. Did you at any time at the
4 scene of the shooting see a video of the
5 shooting?

6 A. I believe I saw a glimpse of it at
7 the Dunkin' Donuts.

8 Q. Tell me about that.

9 A. Well, the detectives went in there.
10 I went in there to get their names, and that's
11 when I got a glimpse of that one.

12 Q. Okay. So tell me, this is as part of
13 your canvassing to complete the case report?

14 A. Uh-huh.

15 Q. Is that correct?

16 A. You could say that, yes.

17 Q. Okay. Are you objecting to my use of
18 the word "canvassing"?

19 A. No, no, no.

20 Q. I am trying to use the best term.

21 A. You make it sound like I am
22 investigating. I am not. I am just getting
23 everybody's name. That's what I was doing.

24 Q. As you are going around the scene as

1 part of that process of completing the case
2 report, you went into Dunkin' Donuts; is that
3 correct?

4 A. I did, yes, to get some names.

5 Q. And there were officers or CPD folks
6 inside that Dunkin' Donuts?

7 A. That's correct.

8 Q. Okay. And did you get their names
9 and star numbers?

10 A. I believe I did get some.

11 Q. And what were those -- do you think
12 they were officers or detectives?

13 A. I want to say they were detectives.

14 Q. About how many?

15 A. I couldn't count how many were in
16 there.

17 Q. Less than ten?

18 A. I would say less than ten, yes.

19 Q. Less than ten but more than two?

20 A. Yes, I would say.

21 Q. What were those detectives doing
22 inside the Dunkin' Donuts?

23 A. I would assume they were trying to
24 recover the video.

1 Q. Okay. And where were these
2 detectives in the Dunkin' Donuts?

3 A. Sitting on one of the, I guess,
4 chairs, the tables that they had there.

5 Q. Did they have a laptop or did they
6 have --

7 A. I believe it was a laptop, yes.

8 Q. Okay. So they had a laptop, and one
9 laptop, multiple? Do you recall?

10 A. I think it was just the one.

11 Q. And so as you were getting
12 information from them, I mean, how did it come
13 that you saw a little bit of the video?

14 A. There were -- they were reviewing it,
15 and I was present there waiting for them to
16 finish so I could get their names and stars.

17 Q. Did they specifically show you the
18 video?

19 A. No.

20 Q. So you were sort of -- you just
21 happened to see it?

22 A. Yes, that's correct.

23 Q. Okay. Do you recall what portion of
24 the events the video you watched in the Dunkin'

1 Donuts captured?

2 A. I believe it is the same one that was
3 provided to me that you all provided.

4 Q. So you think it was the --

5 MS. RUSSELL: He said what portion.

6 THE WITNESS: Oh, what portion? I am
7 sorry. I don't know what portion it was.

8 BY MR. NEUMER:

9 Q. Okay. But you believe it was the 813
10 Robert dash cam video that we provided you?

11 A. No, I believe it was the Dunkin'
12 Donuts.

13 Q. Oh, okay. So you think it was the
14 Dunkin' Donuts security camera footage?

15 A. That's correct.

16 Q. Okay. How far away were you when you
17 saw that footage?

18 A. I don't know. I was behind
19 everybody's shoulders, I guess.

20 Q. So maybe like five or 10 feet,
21 something like that?

22 A. Probably.

23 Q. How good was your angle?

24 A. I couldn't answer that.

1 Q. Outside of the Dunkin' Donuts
2 security footage, on the scene on the night of
3 October 20, 2014, did you see any other footage
4 of the McDonald shooting?

5 A. No, no. I don't think I did, no.

6 Q. Okay. So do you recall whether
7 Detective March approached you and Officer
8 Fontaine before you followed the ambulance or
9 after you followed the ambulance?

10 A. I believe it was before the ambulance
11 left.

12 Q. Okay.

13 A. I am just guessing right now, but I
14 believe it was before.

15 MS. RUSSELL: Don't guess.

16 THE WITNESS: I don't recall.

17 BY MR. NEUMER:

18 Q. Is there a basis for your belief that
19 it was before?

20 MS. RUSSELL: He said he was guessing.

21 MR. NEUMER: And that's why I want to make
22 sure.

23 BY MR. NEUMER:

24 Q. If it is a really I don't know, then

1 it is an I don't know.

2 A. I don't know.

3 Q. Okay. So besides Detective March --
4 sorry.

5 Besides the detective who you later
6 found out was Detective March; is that fair to
7 say?

8 A. Yes.

9 Q. Did you speak to any other detectives
10 at the scene substantively regarding the
11 shooting?

12 A. I don't remember. Like I said, I had
13 a lot of people coming up to us, since we are
14 the paper car.

15 Q. Did you talk to any FOP
16 representatives at the scene of the shooting?

17 A. There might have been one there, but
18 I don't know if I spoke to them.

19 They might have came up to us just to
20 ask, you know -- I think I might have asked just
21 to get his name. He might have been on the
22 report.

23 Q. Do you recall who that individual's
24 name was?

1 A. No, I don't.

2 Q. Okay. And do you even know whether
3 you actually talked to an FOP representative
4 there or is it just something that's possible?

5 A. It could have been possible.

6 Q. Okay. Prior to your conversation
7 with Detective March at the scene of the
8 shooting, did you have any substantive
9 conversations about the shooting with anyone
10 else?

11 A. Like I said, there was really no time
12 after -- after the shooting, I mean, everything
13 just was going fast pace.

14 They gave us the job. We just did
15 what we had to do and get that report.

16 Q. At any time while you were at the
17 scene of the shooting, did you speak to VanDyke
18 substantively about the shooting?

19 A. No.

20 Q. Okay. Do you recall whether you got
21 his name and star number as part of your
22 completion of the case report?

23 A. I don't think I even spoke to him
24 that day.

1 Q. Okay. So any substantive
2 conversation with any of the officers who were
3 at the scene of the shooting regarding the
4 shooting?

5 A. No, not really, no.

6 Q. Okay. At any point, were you
7 separated from the other officers who were at
8 the scene of the shooting or segregated from
9 them?

10 A. The only time we were -- when we were
11 doing that report, I mean, we were in the car,
12 mostly in the car, or I was walking around. I
13 probably had more exposure than Officer
14 Fontaine.

15 Q. I see. But nothing prevented you
16 from having a conversation with the other
17 officers who were at the scene of the shooting?

18 A. No.

19 Q. Okay. So after you complete the case
20 report, what happens?

21 A. After the case report was completed,
22 I -- I don't know who told us, but we were to go
23 to the Area Central.

24 Q. Okay.

1 A. To the area.

2 Q. Okay. So about -- and so you
3 complete your case report and then someone tells
4 you to go to Area Central?

5 A. That's correct.

6 Q. Was it Sergeant Franko?

7 A. I don't know who told us to go. It
8 could have been one of the detectives. I don't
9 know.

10 Q. And about what time do you leave the
11 scene? Just for your reference, the shooting
12 occurs just prior to 10:00 p.m.

13 A. I do not know what time we got to the
14 area. I couldn't even tell you how long we were
15 there.

16 Q. Okay. So you are ordered to go to
17 the Area Central at 51st and Wentworth?

18 A. That's correct.

19 Q. How do you get there?

20 A. We drove on 841's car.

21 Q. You are still the driver, Officer
22 Fontaine is the passenger?

23 A. That's correct.

24 Q. At any time during that car ride, did

1 you discuss the shooting?

2 A. No, not really, no.

3 Q. Had you been involved in an
4 officer-involved shooting prior to October 20,
5 2014?

6 A. No.

7 Q. I understand that, you know, on the
8 scene things are chaotic, but I would have
9 thought that on the way there, you might have
10 just discussed, you know, what this pretty
11 traumatic event you just witnessed.

12 MS. RUSSELL: He already answered the
13 question of whether they talked about it.

14 I don't know. Is that a question or
15 just your observation of what you think?

16 MR. NEUMER: It is my observation and just
17 asking if, you know, you have any --

18 MS. RUSSELL: He already answered.

19 THE WITNESS: The thing is, I mean, there
20 is really nothing to talk about. I mean, as far
21 as it happened, we are trying to get -- we are
22 frustrated, we are hungry. I mean --

23 BY MR. NEUMER:

24 Q. Okay. What happens when you arrive

1 at Area Central?

2 A. I think they ordered pizza. That's
3 about all I remember. I was hungry.

4 Q. So you get some pizza?

5 A. Yeah, just waiting around.

6 Q. Where are you waiting? Once you
7 enter Area Central, where do you go?

8 A. We go upstairs to the detectives,
9 their unit, whatever you want to call it.

10 Q. And where are you waiting in that
11 detective unit room?

12 A. Just by their cubicles, wherever
13 there is a seat available.

14 Q. And who else is present?

15 A. Oh, I know my partner was there. The
16 only ones I really do remember was Janet
17 Mondragon, Officer Mondragon and Sebastian, and
18 there could have been some detectives.

19 Like I said, I don't know who else
20 was present there.

21 I think Officer Gaffney came later
22 on.

23 Q. Okay. So several of the officers who
24 were at the scene of the shooting then went to

1 Area Central?

2 A. Yeah, we didn't all go all at once.
3 I think we just went in there.

4 Q. And so folks were sitting at
5 available seats in that detective room?

6 A. It is a big open area where there is
7 cubicles, and we just got to sit wherever we can
8 so...

9 Q. After you arrived at Area Central,
10 did you have any conversations about the
11 shooting with any of the other officers who had
12 been at the scene of the shooting?

13 A. No. We were more focused on getting
14 something to eat.

15 Q. Did you talk to an FOP representative
16 while you were at Area Central?

17 A. He might have spoke to us. I don't
18 know who -- we were waiting there -- we were
19 told that we were going to give statements to
20 IPRA.

21 Q. Was that told by the FOP rep?

22 A. That I don't remember -- I am not
23 going to guess so I don't recall so...

24 Q. Okay. So you were -- you are sitting

1 in that area, that detective room, second floor?

2 A. That's correct.

3 Q. Okay. Second floor of Area Central.

4 And you were told by someone, you can't recall

5 who, that you would be interviewed by IPRA?

6 A. That's correct.

7 Q. And then what happens next?

8 A. I believe -- I don't know what

9 detective got us into one of the side rooms, and

10 they showed us the video again.

11 Q. Okay. Was it the same detective who

12 spoke to you at the scene of the shooting?

13 A. I want to say yes, yeah.

14 Q. Okay. How certain are you that it

15 was the same detective at the scene of the

16 shooting and that same detective is the one who

17 showed you the video?

18 A. I don't recall. If it was Detective

19 March?

20 Q. Right.

21 A. I am not sure it was him.

22 Q. Okay. So tell us about a detective

23 showing you the video of the shooting.

24 A. I believe it was the 813 Robert's

1 video camera that they showed us in that side
2 room.

3 Q. Okay. Who was present when you saw
4 that video?

5 A. I know my partner was there.

6 Q. Okay.

7 A. And I don't know who else was there,
8 and the detective.

9 Q. Okay. So the detective showed you
10 and Officer Fontaine, perhaps another individual
11 or other individuals as well the 813 Robert dash
12 cam video?

13 A. That's correct.

14 Q. Did that detective say anything to
15 you prior to showing you the video in that room?

16 A. No. We kind of just went over what
17 we just said on the scene.

18 Q. So did the detective ask you
19 questions regarding the shooting prior to his
20 showing you the video?

21 A. No. What happens, while we are
22 watching the video, we were just -- how can I
23 say this?

24 We were kind of agreeing what we had

1 stated on scene as we were watching it, you
2 know, this, this, and this happened. He wasn't
3 asking us -- he wasn't asking us questions if
4 that's what you are asking.

5 Q. You were making statements while the
6 video was playing?

7 A. We were just saying, oh, you know, we
8 were watching it, because we haven't -- we
9 haven't watched that video, but it was -- I
10 don't remember the quality of the video.

11 It looked like I had been seeing more
12 sharper video than the one that they had on
13 there.

14 Q. I would just like to get a little
15 more detail on that.

16 What sort of statements were you
17 making while the video was playing?

18 A. It was just basically what we said on
19 scene, what -- as far as -- I don't know.

20 Q. So my confusion is like, you know,
21 you made some statements while you were on the
22 scene of the shooting, at the scene of the
23 shooting to a detective who we have identified
24 as March; right?

1 A. Uh-huh, uh-huh.

2 Q. Is that correct?

3 A. That's correct.

4 Q. So then you are shown the video?

5 A. Uh-huh.

6 Q. And what I hear you saying is that we
7 said the same things we said at the scene, and I
8 am trying to -- did you literally make the same
9 kind of statements while the video was playing
10 that you said at the scene, or, you know, were
11 you saying like oh, that seems about right with
12 what I saw?

13 A. That's it.

14 Q. So walk me through that. I don't
15 want to put words in your mouth. I am just
16 trying to get a sense of what --

17 A. I understand. We weren't adding
18 anything to what was said already. We were
19 just, oh, this is what happened, and we were
20 going by whatever was being shown at the time.

21 There was nothing added or -- it was
22 just almost this is what we thought happened and
23 this is what we are seeing, and I am like okay.

24 Q. Okay. So you thought it confirmed

1 the statements you made -- the video confirmed
2 the statements you made at the scene of the
3 shooting to Detective March?

4 A. Yeah.

5 Q. Okay. Did the detective who showed
6 you the video ask you any questions regarding
7 the video?

8 A. No.

9 Q. Did the detective who showed you the
10 video make any comments regarding the video?

11 A. I mean, I don't know what -- if he
12 said anything, I don't remember what he said.

13 Q. Did the detective who showed you the
14 video say anything like the video contradicts
15 what you are telling me about what occurred at
16 the scene of the shooting?

17 A. No.

18 Q. Did the detective ever try and get
19 you to change your statement in any way?

20 A. No.

21 Q. Do you think the detective who showed
22 you the video ever tried to guide your statement
23 in a particular direction?

24 A. No.

1 Q. Do you think the detective in any way
2 tried to coerce or modify the recollection you
3 had as to what you witnessed?

4 A. No.

5 Q. Do you recall the detective who
6 showed you that video saying anything about or
7 pointing out where McDonald supposedly turned?

8 A. No.

9 Q. Following your viewing of the video,
10 did the detective ask you any questions?

11 A. No.

12 Q. So what was the purpose of the
13 detective showing you the video?

14 A. I have no idea. You know, I started
15 to give him exactly what -- I started to talk --
16 tell him about what had happened, and he really
17 didn't really want to listen to what I had to
18 say, so he moved to Officer Fontaine.

19 Q. Was that before or after he showed
20 you the video?

21 A. I don't know the timing. It could
22 have been during.

23 Q. Okay. So at some point, you started
24 to say, hey, here is what I saw?

1 A. Yeah.

2 Q. And what did he say?

3 A. He didn't really care.

4 Q. How did you get the impression that
5 he didn't care? Did he say, ah, I don't need to
6 hear that?

7 A. No, he just moved on to the Officer
8 Fontaine.

9 Q. Were you able to kind of complete
10 your story about what happened before he moved
11 on to Officer Fontaine?

12 A. Yes. I mean, it is, you know, I told
13 him this is what I saw, and he moved on.

14 It was very brief. I mean, it
15 wasn't -- we weren't in that room that long.

16 Q. Okay. I guess it just strikes me
17 when you say he wasn't interested in your
18 statement, like what gave you that impression?

19 A. I don't know. That's -- because he
20 moved on to Officer Fontaine.

21 Q. And he didn't ask any follow-up
22 questions?

23 A. No.

24 Q. Did he ask you to clarify any of the

1 statements you were making?

2 A. No.

3 Q. Okay. So when he moved on to Officer
4 Fontaine, did he ask her to describe the scene
5 to him?

6 A. I don't remember what he asked her.

7 Q. Okay. Do you recall what Officer
8 Fontaine told him?

9 A. I don't remember what she answered.

10 Q. Do you recall Officer Fontaine's
11 recollection of the shooting differing from
12 yours at all?

13 A. I don't remember what she stated or
14 anything.

15 Q. Did the detective ask you about any
16 differences in your stories?

17 A. No. That is the thing. The
18 detective asked and it was just, like I said, it
19 was a brief -- you know, he asked me what
20 happened, boom, and it was done.

21 Q. Did the detective ever tell you guys
22 better get your story straight here?

23 A. No.

24 Q. Never said anything --

1 A. Nothing in regards to anything like
2 that, no.

3 Q. What happened after you left the
4 room?

5 A. I don't know when the pizza came, but
6 we just ate, and we were just waiting when our
7 turn was to give statements, but we never gave
8 one.

9 Q. Okay. Did you have any substantive
10 conversations about the shooting after you
11 watched the video at Area Central that night --

12 A. No.

13 Q. -- with any of the officers who were
14 at the scene of the shooting?

15 A. No. We were tired. We just wanted
16 to go home. It was late.

17 Q. Did you -- so what happened -- so
18 IPRA never asks you to give a statement;
19 correct?

20 A. They told us that they would notify
21 us whenever -- they were to notify us whenever
22 we were going to give statements, but they never
23 did so...

24 Q. And then how did you know you could

1 leave?

2 A. I don't know who told us, but we were
3 told that we could go.

4 Q. Okay.

5 A. That they would notify us at another
6 time for the statements.

7 Q. Okay. Do you recall when you left
8 Area Central?

9 A. I don't know. It was early in the
10 morning. I don't remember the time.

11 Q. Okay. And where did you go after you
12 left Area Central?

13 A. We went straight to the District and
14 went home.

15 Q. Okay. And you and Officer Fontaine
16 drove from Area Central to the District?

17 A. That's correct.

18 Q. And the District is at -- on 63rd, is
19 it --

20 A. Excuse me. Yes. I need some water.

21 MS. RUSSELL: Let's take a quick break.

22 MR. NEUMER: Sure. The time is 11:49. We
23 will go off the record.

24 (Short break in proceedings.)

1 MR. NEUMER: The time is 11:59. We are
2 back on the record.

3 BY MR. NEUMER:

4 Q. Officer Viramontes, I believe when we
5 went off the record, I was asking you about
6 where you went after leaving Area Central.

7 A. To the 8th District.

8 Q. Okay. And how did you get from Area
9 Central to the 8th District?

10 A. 841 Robert's vehicle.

11 Q. And did you drive with Officer
12 Fontaine?

13 A. That's correct.

14 Q. And during that trip to the 8th
15 District, did you and Officer Fontaine have any
16 conversations regarding the McDonald shooting?

17 A. I don't remember our conversations
18 but -- all I do remember we were tired and we
19 wanted to go home. That's all.

20 Q. Do you recall any conversations
21 regarding -- with Officer Fontaine regarding
22 your viewing of the video of the McDonald
23 shooting?

24 A. Like I said, I don't remember our

1 conversation, if we even had one.

2 Like I said, at that point, we just
3 wanted to go home. I mean, we got family stuff
4 to do. That's what we do.

5 Q. And after you got to the 8th
6 District, did you then go home?

7 A. That's correct.

8 Q. Drive your personal vehicle home?

9 A. That's correct.

10 MR. NEUMER: Okay. Kris, do you have any
11 follow-up?

12 MR. BROWN: I have a couple follow-up
13 questions.

14 FURTHER EXAMINATION

15 BY MR. BROWN:

16 Q. Back when you were on the scene, you
17 mentioned crowd control?

18 A. If you want to call it crowd control,
19 yeah.

20 Q. Should I not say crowd control?

21 A. To me crowd control is like we are
22 trying to block everybody from, you know -- I
23 don't know what you are specifically trying
24 to --

1 Q. Sure. When you were -- and correct
2 me if I am wrong.

3 Were you asked to I guess at one
4 point move your car to kind of block traffic?

5 A. We were going to, yes. We never got
6 to that point.

7 Q. Right. And I just wanted to ask some
8 follow-up about that.

9 When you were asked to do that, how
10 was that request made to you?

11 A. I don't remember if it was somebody
12 that asked us. I believe we put it upon
13 ourselves to go help out as far as doing
14 something instead of just leaving the scene.

15 I don't know if somebody specifically
16 asked. I don't think so but --

17 Q. Is that a normal thing, where you
18 have the discretion to I guess go and try to
19 help the scene by blocking off traffic?

20 A. If you put it -- some officers will
21 decide to just leave.

22 I mean, we decided that we wanted to
23 stay around the perimeter and we will go block
24 the street off, just to do something.

1 Q. When you decided to do that, to go
2 block the street off, did you have to inform the
3 sergeant or anyone else?

4 A. I believe -- well, usually we will go
5 over the air and tell the zone, the dispatcher.

6 Q. You would tell the dispatcher --

7 A. If we were going to do it, yes. I
8 don't know if we got to that point. I don't
9 remember.

10 Q. For this particular instance?

11 A. That's correct.

12 Q. Okay. Other than telling the
13 dispatcher, would you do anything else such as a
14 PDT message or go over the air with your radio?

15 A. It is usually just over the radio
16 where we tell the dispatcher, yeah, but no PDT
17 messages to anybody.

18 Q. As far as I guess other officers
19 doing similar actions, trying to control the
20 traffic, do you recall hearing any messages over
21 the radio to instruct other officers to control
22 traffic?

23 A. There might have been sergeants
24 giving some direction, but I don't know what was

1 given over the air at that time.

2 Q. Okay. Given over the air, you mean
3 just over your radio?

4 A. Over the radio, that's correct.

5 Q. And that would be the same way you
6 would speak to the dispatchers is over the
7 radio?

8 A. Yeah, that's correct.

9 Q. Okay. Do you recall hearing any
10 orders over the radio to instruct officers to
11 tell civilians to leave the scene?

12 A. I don't remember. I couldn't tell
13 you what was going over the air at that time.

14 Q. Okay. How long after you arrived on
15 the scene, if you had to estimate, did March
16 come to speak with you?

17 A. I don't remember. As far as specific
18 times, no, I don't remember.

19 Q. Sure. Could it be an hour?

20 A. Like I said, I would be guessing
21 right now.

22 MS. RUSSELL: Don't do that.

23 BY MR. BROWN:

24 Q. We definitely don't want you to

1 guess. I am just trying to --

2 A. I am not guessing. I don't know the
3 time. Like I said, my time, it could have been
4 quicker, it could have been -- I don't know.

5 Q. So maybe a better way would be to I
6 guess recount the stuff you did before March
7 came to speak with you and how long you thought
8 those activities took.

9 A. I don't -- to be honest with you, I
10 don't even know how long we were there on the
11 scene from start to finish, from when the
12 shooting started until -- I couldn't even tell
13 you what time.

14 That's how warped my -- I couldn't
15 tell you. Even after I -- even after reviewing
16 all this, I still can't -- I am trying not to
17 because it stresses me out.

18 Q. I can definitely understand that.

19 A. I am trying to get away from it as
20 much as possible.

21 Q. Do you have any idea when you arrived
22 at the Area?

23 A. I don't -- maybe midnight. I don't
24 know, to be honest with you. It could have been

1 somewhere around there.

2 Q. Okay. That's fair. I mean, if
3 you -- your shift starts, what is it, 10:00
4 o'clock?

5 A. 21:00, so 9:00.

6 Q. I apologize. So you told us a little
7 bit about March coming to your vehicle and
8 speaking to you through your driver's side
9 window?

10 A. Yes.

11 Q. And you inform March of your
12 observations in regards to the shooting?

13 A. That's correct.

14 Q. Do you recall March having any
15 response to what you told him?

16 A. That's the thing. There was no
17 response. There was no direction as far as
18 questioning.

19 You know, he just asked what
20 happened, and we gave the response.

21 Q. Right. I remember you said what
22 happened.

23 I was just curious if after you told
24 him your observations, did he say anything in

1 response to your observations?

2 A. No.

3 Q. Okay. Do you think that that
4 conversation, and it might not even be right to
5 call it a conversation, but that exchange, can
6 you estimate how long that took?

7 A. It was very, very quick. It was
8 minutes. I mean, it was very, very brief.

9 Q. Okay. And after he spoke to you
10 through the driver's side, do you recall -- I am
11 sorry -- through the driver's side window, do
12 you recall if March went to the passenger's side
13 window to speak to Fontaine?

14 A. I don't remember. I don't remember
15 if the exchange was right through me or if he
16 went around. I don't remember what he did
17 actually after that.

18 Q. Okay. Do you recall about how long
19 the conversation with Fontaine took?

20 A. No, I don't. Like I said, our
21 exchanges with him was brief. He had to go do
22 whatever he needed to go do.

23 Q. So is it safe to say it was maybe
24 five minutes or less?

1 A. Yeah, I would say less.

2 Q. Now, you mentioned to us that your
3 window was open when March spoke with you. Were
4 your windows open when you arrived on the scene?

5 A. I don't remember if the windows were
6 open.

7 Q. Okay.

8 A. Yeah, I don't -- that's my answer.

9 Q. When you arrived on the scene, were
10 your lights and sirens flashing?

11 A. My emergency lights were on. I don't
12 remember the siren. It could have been on. I
13 don't remember.

14 Q. If you have your lights flashing,
15 would it be typical for you to have your windows
16 up at that time?

17 A. I could have them either down or up.

18 Q. It could be either way?

19 A. Yeah.

20 Q. So when you got to the Area, you
21 noted all the officers did not arrive at the
22 same time.

23 You mentioned like Mondragon was
24 there, McElligott and Gaffney, the other

1 officers arrived at different times.

2 Do you recall hearing any
3 conversation that those officers had amongst
4 themselves?

5 A. No.

6 Q. Okay. Now, we are going to move on
7 to the point where you spoke to the detective in
8 the side room.

9 A. Okay.

10 Q. The detective, do you recall him
11 showing you the video, or was it the other
12 person -- if there was another person there, do
13 you recall the other person showing you the
14 video?

15 A. I don't know who was the one that
16 told us did you see the video, you know, come
17 in, you know.

18 I mean, what I am trying to say is
19 that I don't know which -- what detective,
20 because I know there was one -- it could have
21 been March, and there might have been another
22 detective there, but I don't know which one had
23 told us to come in.

24 Q. Okay. So whichever detective was I

1 guess giving you the questions, was he the same
2 one that was operating the video player?

3 A. That's the thing. There was no
4 questions. They just showed us the video,
5 because we hadn't seen it. That's why they put
6 us in the side room.

7 Q. Okay. Was there anything that stuck
8 out about the other person that was there, if it
9 was Detective March, besides him?

10 A. No. They all look the same to me
11 so...

12 Q. Was the other person a male or a
13 female?

14 A. I think it was a male, another male.

15 Q. Was he very tall?

16 A. I don't -- I don't know.

17 Q. Just trying to maybe figure out who
18 the other person was.

19 A. Okay.

20 Q. When you were shown the video, do you
21 recall if it was just one time or were you shown
22 the video multiple times?

23 A. I don't remember how many times, if
24 they did show it to us. Like I said, my time in

1 that room was really quick, so I couldn't -- I
2 don't know if they did show it to us multiple
3 times.

4 Q. Okay. And you said your time was
5 quick in there.

6 Would you estimate it was less than
7 ten minutes?

8 A. It would be less than ten minutes,
9 yes.

10 Q. Do you recall if any of the
11 detectives that were in the room had any notes
12 while they were, I guess, listening to what you
13 might have told them?

14 A. I am -- I wasn't paying attention as
15 far as them holding anything. I don't know.

16 Q. Okay. Which is when March spoke to
17 you at your vehicle, you do recall him having
18 some notes?

19 A. That's correct.

20 Q. The last thing you mentioned that
21 when you got to the Area, you know, people were
22 hungry.

23 I want to ask, is that your normal
24 lunchtime? Is it a couple hours into the shift

1 or --

2 A. There is no normalcy.

3 MS. RUSSELL: I think he has testified so
4 many times that he doesn't know the time frame.

5 I mean, I don't know if you are
6 trying to set the time frame by his hunger
7 pains. He doesn't know what time.

8 BY MR. BROWN:

9 Q. No, I was just curious like if there
10 is a normal time that you guys take lunch during
11 your shift.

12 A. No, there is no normal time. It is
13 whenever you get a chance. That's basically
14 when it is.

15 MR. BROWN: Okay. That's all.

16 FURTHER EXAMINATION

17 BY MR. NEUMER:

18 Q. Really quickly. Other than at Area
19 Central, other than when the detective or
20 detectives showed you the video of the McDonald
21 shooting and there was an exchange regarding the
22 shooting, did you have any other substantive
23 conversations regarding the shooting at Area
24 Central?

1 A. No, just saw the video. I mean,
2 that's --

3 Q. And that was the only time at Area
4 Central you had an interaction or a
5 communication regarding the McDonald shooting?
6 That was the only time?

7 A. That's what I recall, yes. That was
8 the only time.

9 Q. Okay. We are now going to show you
10 or put in front of you Exhibits 5 and 6, the CSR
11 and the GPR, the General Progress Report, the
12 excerpt from the CSR containing the statement
13 attributed to you and the GPR, which contains
14 Detective March's notes of his conversation with
15 you.

16 So take as much time as you need to
17 review. Just let me know when you have had
18 enough time to review.

19 MS. RUSSELL: Can we go off the record for
20 a second?

21 MR. NEUMER: Sure. The time is 12:14. We
22 are off the record.

23 (Discussion had off the record.)

24 ** ** ** ** **

1 (Short break in proceedings.)

2 MR. NEUMER: The time is 12:18 p.m. We are
3 back on the record.

4 BY MR. NEUMER:

5 Q. Officer Viramontes, we just -- we put
6 Exhibits 5 and 6 in front of you.

7 Have you had sufficient time to
8 review those exhibits -- well, Exhibit 5?

9 A. Yes.

10 Q. Okay. Let me ask you generally, what
11 is a Case Supplementary Report?

12 A. It is an added report that -- I don't
13 want to use the same word, but that adds onto
14 the initial case report.

15 Q. Okay.

16 A. Which is usually, I don't know how
17 the detectives work, but this is what the
18 detective do as far as -- they add onto whatever
19 the main report is.

20 Q. Do you ever complete Case
21 Supplementary Reports as part of your duties as
22 an officer?

23 A. Yes.

24 Q. You do? Okay. So you are familiar

1 with -- can I call them CSRs?

2 A. Well, the detectives name them
3 differently.

4 Q. Okay.

5 A. We do have another report that's a
6 supplement. I don't know how different their
7 job is, because I am not too familiar with what
8 they do and what their reports are named.

9 Q. Okay.

10 A. We do have one called a supplement.
11 Say we miss something or we get some added
12 information, we could always do a supplemental
13 report. So they might be different.

14 Q. Are you general family with again
15 what I will call a CSR?

16 A. See, I don't know that term. That's
17 a detective term so that's probably what they
18 named them.

19 Q. Okay.

20 A. That's their job.

21 Q. What is your understanding of what
22 the purpose of a Case Supplementary Report is?

23 A. Just to add on information on the
24 initial report, and I know detectives do it on

1 a -- because they don't do the initial report,
2 so that's my understanding of it.

3 Q. And who completes Case Supplementary
4 Reports?

5 A. I believe this one was completed by a
6 detective.

7 Q. And do detectives generally complete
8 Case Supplementary Reports?

9 A. In this type of incident, yes.

10 Q. Okay. In other types of incidents,
11 other folks might --

12 A. I don't know. It depends on what the
13 type of work -- or the job is.

14 On a shooting or a homicide or --
15 actually, I will take that back. I am sorry.

16 I have never dealt with a police
17 shooting, so this is the first time I had to
18 deal with it, and I understand that the
19 detective were the ones that do the supplemental
20 report.

21 Q. Okay. And at least in a
22 police-involved shooting, a detective will do a
23 Case Supplementary Report?

24 A. Yes, that's correct.

1 Q. Can you take -- I am going to ask you
2 some general questions regarding the Exhibit 6,
3 General Progress Report.

4 Are you familiar with General
5 Progress Reports?

6 A. No, I am not.

7 Q. Okay. Have you ever completed a
8 General Progress Report?

9 A. No.

10 Q. Okay. Do you know what the purpose
11 of a General Progress Report is?

12 A. No, I don't.

13 Q. All right. With respect to
14 Exhibit 5, in the middle of the page is your
15 name and then some statements that are
16 attributed to you?

17 A. Yes.

18 Q. It starts off, "Ricardo Viramontes
19 stated he was a Chicago Police Officer assigned
20 to the 8th District. Viramontes related the
21 same facts as his partner Officer Dora
22 Fontaine."

23 I want to go line-by-line through
24 your statement here, and I am going to ask you

1 two questions with respect to each statement.

2 One, whether you made the statement
3 attributed to you on the night of October 20,
4 2014; that is, whether you made that statement
5 to a detective, and then two, whether that
6 statement is accurate. Okay?

7 So I will go through this a little
8 bit. I want to give you a little preview of
9 what I am going to do with each one of these,
10 okay?

11 A. Okay.

12 Q. Again, the first question is whether
13 you made the statement, not concerned at that
14 time whether it is right or wrong or anything,
15 just did you make the statement to Detective
16 March, and then the second question will be, is
17 that statement accurate?

18 A. Okay.

19 Q. Okay. So I am going to read the
20 statement, and then I am going to ask the first
21 question and we will go from there.

22 So the statement attributed to you is
23 as follows: "Officer Viramontes added that when
24 he exited his police vehicle at the scene, he

1 observed a black male subject, now known as
2 Laquan McDonald, walking southbound on Pulaski
3 Road in the middle of the street holding a knife
4 in his right hand."

5 So first question, did you, Officer
6 Viramontes, make that statement to Detective
7 March on the night of October 20, 2014?

8 MS. RUSSELL: Or any other detective?

9 BY MR. NEUMER:

10 Q. Or any other detective?

11 A. Yes, I did.

12 Q. You made that statement?

13 A. That's correct.

14 Q. Do you recall to whom you made that
15 statement?

16 A. It is now believed it was Detective
17 March.

18 Q. And were you at the scene of the
19 shooting when you made that statement to
20 Detective March?

21 A. Yes, I was.

22 Q. Second question, is the statement
23 that I just read to you, is it accurate?

24 A. Yes.

1 Q. Okay. You mentioned previously when
2 we were talking about your Grand Jury testimony,
3 we talked about you exiting the vehicle and
4 where you were when you witnessed the shooting?

5 A. Uh-huh.

6 Q. So do you feel that the statement,
7 and again, I will read it for the record,
8 "Officer Viramontes added that when he exited
9 his police vehicle at the scene, he observed a
10 black male subject, now known as Laquan
11 McDonald, walking southbound on Pulaski Road in
12 the middle of the street holding a knife in his
13 right hand."

14 So I want to ask you again. Is that
15 accurate? Is that what happened?

16 Did you exit the police vehicle and
17 then observe Laquan McDonald walking southbound
18 on Pulaski Road?

19 A. Yes, I did, but the timing, like I
20 said, the timing is -- but I did see that.

21 Q. Okay. So I am going to direct your
22 attention to the portion of -- well, let me
23 clarify first.

24 So you are saying I did observe -- it

1 is accurate to say that I observed a black male
2 subject, now known as Laquan McDonald, walking
3 southbound on Pulaski Road in the middle of the
4 street holding a knife in his right hand?

5 A. That's correct.

6 Q. That is an accurate statement?

7 A. Yes.

8 Q. Okay. Now I am going to direct your
9 attention to the portion of that sentence that
10 says, "When he exited his police vehicle."

11 So my question is given your previous
12 testimony today regarding the Grand Jury, is
13 that an accurate statement that you made that
14 observation after you exited your police
15 vehicle?

16 A. It wasn't after. It was as I
17 approached the scene in the car.

18 Q. Okay. So tell us about that -- and
19 so we have a statement here, and you said this
20 is what you told Detective March?

21 A. Uh-huh.

22 Q. Explain that to me why you told
23 Detective March that you exited the police
24 vehicle and made that observation, and then why

1 you are now saying that you were -- is it
2 correct to say you were inside the police
3 vehicle when you made this -- or approaching the
4 scene when you made this observation?

5 A. Well, based on the review of the
6 video that I did see, what occurred was when I
7 arrived on scene, as I was arriving on scene, I
8 could see Mr. McDonald holding the knife as --
9 because everything happened instantaneous. My
10 door opened as the shooting started.

11 Q. Okay. And did you exit the vehicle
12 as the shooting occurred?

13 A. The video speaks for itself.

14 Q. Well --

15 MS. RUSSELL: He said he doesn't remember
16 the exact sequence of events. You guys have the
17 video. Take a look at the video. You can see
18 him opening the door, and you can see what's
19 happening at that time.

20 He said he doesn't remember. You
21 guys --

22 MR. NEUMER: But I didn't think we --

23 MS. RUSSELL: The timing, the sequence of
24 events, I mean, we have been down this --

1 BY MR. NEUMER:

2 Q. I just want to know do you recall
3 whether you actually exited the 841 Robert
4 vehicle when the shooting was occurring?

5 A. My door opened as the shooting was
6 occurring.

7 Q. Okay. And then did you exit the
8 vehicle after your door opened?

9 A. That's correct, yes.

10 Q. You did exit the vehicle?

11 A. I did exit the vehicle. It is on the
12 video. I mean, it is --

13 Q. Okay. I just -- I am not trying to
14 play gotcha or anything --

15 MS. RUSSELL: Are you sure you are not? He
16 is saying look at the video. He doesn't
17 remember the sequence. We have talked about
18 this.

19 MR. NEUMER: This is --

20 MS. RUSSELL: Go ahead.

21 BY MR. NEUMER:

22 Q. Okay. We will come back to that.
23 So now looking at the statement
24 regarding when -- that you exited the police

1 vehicle and made the observation, is it -- would
2 it be a more accurate statement to say that when
3 you approached the scene, you made that
4 observation?

5 MS. RUSSELL: Can we go off the record for
6 a second?

7 MR. NEUMER: Sure. The time is 12:28, and
8 we are off the record.

9 (Discussion had off the record.)

10 MR. NEUMER: The time is 12:30 p.m. We are
11 back on the record.

12 Could we read back whatever question
13 was pending?

14 (Record read.)

15 THE WITNESS: I mean, my timing was
16 incorrect, and after reviewing the video, I
17 mean, like my timing, I kind of understand where
18 my position was at the time of the shooting and
19 when I observed those.

20 BY MR. NEUMER:

21 Q. And so you first observed Laquan
22 McDonald when you were inside the vehicle?

23 A. As approaching the scene, yes.

24 Q. Okay. Next statement. "Viramontes

1 heard officer Jason VanDyke repeatedly order
2 McDonald to drop the knife."

3 First question, did you make that
4 statement to Detective March or another
5 detective on the night of October 20, 2014?

6 A. Yes, I did.

7 Q. Okay. Do you recall where you were
8 when you made that statement?

9 A. I was opening my vehicle and I heard
10 someone yell, which I believe --

11 MS. RUSSELL: Can you restate the question?

12 BY MR. NEUMER:

13 Q. Do you recall -- let me first say, do
14 you recall who you made that statement to,
15 meaning, who did you tell that you heard Officer
16 Jason VanDyke repeatedly order McDonald to drop
17 the night?

18 A. I told Detective March.

19 Q. And did you make that statement at
20 the scene of the shooting?

21 A. Yes, I did.

22 Q. Okay. My next question is, is your
23 statement that you heard Officer Jason VanDyke
24 repeatedly order McDonald to drop the knife

1 accurate?

2 A. Yes.

3 Q. Okay. Next statement, "McDonald
4 ignored the verbal direction and turned toward
5 VanDyke and his partner officer Joseph Walsh."

6 Did you make that statement to
7 Detective March on the night of October 20,
8 2014?

9 A. Yes, I did.

10 Q. And where were you when you made that
11 statement?

12 A. On scene. You are asking me when I
13 gave --

14 Q. Right.

15 A. On scene.

16 Q. You were in the 841 Robert vehicle?

17 A. That's correct.

18 Q. Fontaine was in the passenger's seat?

19 A. That's correct.

20 Q. And Detective March was at the
21 window?

22 A. That's correct.

23 Q. Okay. Next statement, "At this time,
24 VanDyke fired multiple shots from his handgun."

1 Did you make that statement to
2 Detective March on the night of October 20,
3 2014?

4 A. Yes, I did.

5 Q. And where were you when you made that
6 statement?

7 A. In 841 Robert's car on the scene.

8 Q. Is that statement accurate?

9 A. Yes.

10 Q. Next statement, "McDonald fell to the
11 ground but continued to move, attempting to get
12 back up with the knife still in his hand."

13 Did you make that statement to
14 Detective March on the night of October -- make
15 that statement to Detective March on the night
16 of October 20, 2014?

17 A. Yes, I did.

18 Q. And where were you when you made that
19 statement?

20 A. On scene on 841 Robert's car.

21 Q. And is that statement accurate?

22 A. Yes, to my ability, yes.

23 Q. What do you mean, to your ability?

24 A. That's what I saw. That's the

1 statement I gave to the detectives.

2 Q. Next statement, "VanDyke fired his
3 weapon at McDonald continuously until McDonald
4 was no longer moving."

5 Did you make that statement to
6 Detective March on the night of October 20,
7 2014?

8 A. Yes, I did.

9 Q. And where were you when you made that
10 statement?

11 A. 841 Robert's car on scene.

12 Q. Okay. Is that statement accurate?

13 A. Yes.

14 Q. Okay. It is alleged that on or about
15 October 20, 2014, you made a false statement
16 during interview with CPD Detective March when
17 you stated that after McDonald fell to the
18 ground, he attempted to get back up with the
19 knife still in his hand.

20 Do you stand by your previous
21 statement to Detective March?

22 A. Yes, I do.

23 MS. RUSSELL: I am sorry. Where exactly is
24 that statement codified? Attempting to get back

1 up with the knife still in his hand?

2 MR. NEUMER: Right.

3 MS. RUSSELL: Let me look through the
4 allegations. Which one are we on?

5 MR. NEUMER: I don't have them numbered. I
6 guess it is -- it would be six.

7 MS. RUSSELL: Could you read the question
8 back?

9 BY MR. NEUMER:

10 Q. It is alleged that on or about
11 October 20, 2014, you made a false statement
12 during an interview with CPD Detective March
13 when you stated that, after McDonald fell to the
14 ground, he attempted to get back up with the
15 knife still in his hand.

16 Do you stand by your previous
17 statement to Detective March?

18 A. Yes, I do.

19 Q. It is alleged that on or about
20 October 20, 2014, you made a false statement
21 during an interview with Detective March when
22 you stated that McDonald was walking southbound
23 on Pulaski Road in the middle of the street.

24 Do you stand by your previous

1 statement to Detective March?

2 A. Yes.

3 Q. It is alleged that on or about
4 October 20, 2014, you made a material omission
5 during an interview with CPD Detective March
6 when you failed to state that Laquan McDonald
7 changed the direction in which he was walking
8 prior to being shot by Officer VanDyke.

9 Why didn't you tell Detective March
10 that McDonald changed the direction which he was
11 walking prior to being shot by Officer VanDyke?

12 A. I didn't give a statement because I
13 didn't see that.

14 Q. You didn't see McDonald change
15 direction?

16 A. That's correct.

17 Q. It is alleged that on or about
18 October 20, 2014, you made a material omission
19 during an interview with CPD Detective March
20 when you failed to state that Officer Walsh and
21 Officer VanDyke moved towards McDonald prior to
22 the shooting.

23 Why didn't you tell Detective March
24 that Officer Walsh and Officer VanDyke moved

1 towards McDonald prior to the shooting?

2 A. That's another one. I did not see
3 that.

4 Q. You didn't see Officer Walsh and
5 Officer VanDyke move towards McDonald prior to
6 the shooting?

7 A. That's correct. I didn't see.

8 Q. It is alleged that on or about
9 October 20, 2014, you made a false statement
10 during an interview with CPD Detective March
11 when you stated that McDonald ignored Officer
12 VanDyke's verbal direction to drop the knife and
13 turned toward VanDyke and Officer Walsh.

14 Do you stand by your previous
15 statement to Detective March?

16 A. Yes.

17 Q. I want to go back to the CSR, and it
18 says under your name that you related the same
19 facts as your partner Officer Dora Fontaine.

20 So I want to go through the
21 statements that are attributed to Officer
22 Fontaine and ask you whether you related those
23 facts to Detective March.

24 So same thing. We are going to go

1 one-by-one and ask you whether you related those
2 facts.

3 First statement, "The two officers
4 responded to the request for assistance made by
5 Beat 815R regarding a man with a knife at 41st
6 Street and Pulaski Road."

7 Did you make that statement to
8 Detective March on the night of October 20,
9 2014?

10 A. Yes.

11 Q. Okay. And where were you when you
12 made that statement?

13 A. You are asking me when I gave that
14 statement?

15 Q. I am saying. Did you make that
16 statement to Detective March on the night of
17 October 20, 2014?

18 MS. RUSSELL: And you said yes and then he
19 asked where were you.

20 THE WITNESS: Where I gave that statement?

21 BY MR. NEUMER:

22 Q. Exactly, yes.

23 A. On-scene at 841 Robert's car.

24 Q. Next statement. "Officer Viramontes

1 | drove northbound on Pulaski."

2 Did you make that statement to
3 Detective March on the night of October 20,
4 2014?

5 A. Yes, I did.

6 Q. And where were you when you made that
7 statement?

8 | A. On-scene, on 841 Robert.

9 Q. Next statement. "When they arrived
10 at the scene of this incident in front of the
11 Dunkin' Donuts restaurant, Officer Fontaine saw
12 a black male subject, now known as Laquan
13 McDonald, walking southbound in the street with
14 a knife in his right hand."

15 Did you make that statement to
16 Detective March on the night of October 20,
17 2014?

18 A. I can't say what Officer Fontaine
19 said.

20 Q. And so my question is whether you
21 made that statement to Detective March on the
22 night of October 20, 2014?

23 A. But that statement I didn't make. I
24 made the statement that -- which one is it? I

1 am not going to comment on anything Officer
2 Fontaine said.

3 Q. Well, okay. I guess these statements
4 of Officer Fontaine are -- Detective March has
5 noted that you related the same facts as your
6 partner Dora Fontaine, and so what I am trying
7 to determine is which of the statements
8 attributed to Officer Fontaine you made to
9 Detective March and which, if any, you didn't
10 make to Detective March.

11 So my question is with respect to the
12 statement, "When they arrived at the scene of
13 the incident in front of the Dunkin' Donuts
14 restaurant, Officer Fontaine saw a black male
15 subject, now known as Laquan McDonald, walking
16 southbound in the street with a knife in his
17 right hand."

18 Did you make that statement to
19 Detective March?

20 A. No.

21 Q. Were you present when Officer
22 Fontaine made that statement to Detective March?

23 A. I don't remember what Officer
24 Fontaine told him. I could have been there. I

1 don't know.

2 Q. Okay. So you don't know when Officer
3 Fontaine made that statement to Detective March?

4 A. I don't recall anything she did
5 mention to officer -- to the detective. She
6 could have said that. I don't know.

7 Q. Okay. My question is do you recall
8 where she was when she made that statement?

9 MS. RUSSELL: He doesn't recall that she
10 made that statement, let alone where she was
11 when she made that statement he is not aware of.

12 BY MR. NEUMER:

13 Q. Next statement, "McDonald was walking
14 sideways with his body facing east toward
15 Officers Jason VanDyke and Joseph Walsh." Did
16 you make that statement to Detective March on
17 the night of October 20, 2014?

18 A. Yeah, I don't remember saying that,
19 no.

20 Q. Okay. Do you recall Officer Fontaine
21 making that statement to Detective March?

22 A. I don't remember what she told the
23 detectives.

24 Q. Next statement, "These two officers

1 were standing in the middle of the street on the
2 right side of their police vehicle which was
3 facing southbound."

4 Did you make that statement to
5 Detective March on the night of October 20,
6 2014?

7 A. No, I didn't.

8 Q. Do you recall Officer Fontaine making
9 that statement to Detective March?

10 A. I don't remember what she told them.

11 Q. Next statement, "Fontaine heard the
12 officers repeatedly order McDonald to drop the
13 knife."

14 Did you make that statement to
15 Detective March on the night of October 20,
16 2014?

17 MS. RUSSELL: He can't say if Fontaine did.
18 It is contained in his portion, which he already
19 agreed that he said.

20 BY MR. NEUMER:

21 Q. Okay. Okay. Do you recall Officer
22 Fontaine was when she made that statement?

23 A. That statement, I don't know where --
24 she could have made it in the car. I don't

1 know.

2 Q. Next statement. "McDonald ignored
3 the verbal direction and instead raised his
4 right arm towards Officer VanDyke as if
5 attacking VanDyke."

6 A. No, I didn't say that statement.

7 Q. Do you recall officer Fontaine making
8 that statement to Detective March?

9 A. I don't recall her stating anything
10 to the detectives in regards to that.

11 Q. Is that statement accurate, that
12 McDonald raised his right arm toward Officer
13 VanDyke as if attacking VanDyke?

14 A. I am not going to comment on what my
15 partner or Officer Fontaine did say, but I did
16 not see that.

17 Q. Okay. You did not see McDonald raise
18 his right arm toward Officer VanDyke as if
19 attacking VanDyke?

20 A. That's correct.

21 Q. Okay. Next statement, "At this time,
22 VanDyke fired multiple shots from his handgun
23 until McDonald fell to the ground and stopped
24 moving his right arm and hand which still

1 grasped the knife."

2 Did you make that statement to
3 Detective March on the night of October 20,
4 2014?

5 A. I didn't make that statement, but my
6 statement on the bottom portion of what I just
7 said.

8 Q. Okay. Do you recall where you
9 were -- where Officer Fontaine was when she made
10 that statement?

11 A. I don't remember where -- when she
12 made that statement.

13 Q. Next statement, "The gunshots were
14 rapid fire without pause."

15 Did you make that statement to
16 Detective March?

17 A. I did not say that statement, but my
18 statement is the one below.

19 Q. And do you recall where Officer
20 Fontaine was when she made that statement?

21 A. I don't remember.

22 Q. Next statement, "Officer Walsh then
23 kicked the knife out of McDonald's hand."

24 Did you make that statement to

1 Detective March on the night of October 20,
2 2014?

3 A. I did not say that statement.

4 Q. Okay. And do you recall where
5 Officer Fontaine was when she made that
6 statement?

7 A. I don't remember.

8 MR. NEUMER: At this time, I want to show
9 you the 813 Robert dash cam video, so let's go
10 off the record to set up the video. The time is
11 12:48 p.m.

12 (Short break in proceedings.)

13 MR. NEUMER: The time is 12:53. We are
14 back on the record.

15 BY MR. NEUMER:

16 Q. Officer Viramontes, it is alleged
17 that on or about October 20, 2014, you provided
18 a false narrative to detective David March
19 concerning the McDonald shooting through a
20 series of false statements and material
21 omissions.

22 Do you stand by your previous
23 statements to Detective March, or is there
24 anything you would like to add regarding this

1 allegation?

2 A. No. That's pretty accurate.

3 Q. Okay. And you stand by your previous
4 statements to Detective March?

5 A. That's correct.

6 MS. RUSSELL: The statements as he told you
7 today are attributed to him, or are you asking
8 does he stand by the statements that are listed
9 in this report?

10 MR. NEUMER: The statements that are listed
11 in the Exhibit 5 Case Supplementary Report under
12 your name.

13 MS. RUSSELL: I think he has fully
14 testified about what he said and what he didn't
15 say. So I don't know. I mean --

16 BY MR. NEUMER:

17 Q. We have gone through -- I am just
18 talking about the portion of the CSR, the middle
19 portion under your name?

20 A. That's fine.

21 MS. RUSSELL: Except for relayed the same
22 facts as his partner Officer Dora Fontaine?

23 MR. NEUMER: Yes.

24 MS. RUSSELL: So beginning, "Officer

1 Viramontes added when he existed his police
2 vehicle"?

3 BY MR. NEUMER:

4 Q. Yes, beginning at that and ended was
5 no longer moving"?

6 A. Yes.

7 Q. And also with the exception of the
8 "exited his police vehicle"; correct?

9 A. That's correct.

10 Q. Other than those two exceptions, you
11 stand by your previous statements to Detective
12 March?

13 A. That's correct.

14 Q. At this time, we are going to show
15 you a video that we provided to you. This is
16 the 813 Robert dash cam video that IAD provided
17 to you on February 19, 2016 on a DVD.

18 My colleague Kris Brown has opened
19 the VLC media file titled Video ts.ifo on his
20 laptop. This file contains six minutes and
21 five seconds of footage. The video also has an
22 embedded timestamp on it indicating the date and
23 time the video was recorded.

24 The video also has a VLC Media Player

1 time bar which goes from zero to six minutes and
2 five seconds, and we are going to advance the
3 video to the portion time stamped with the
4 embedded time stamp of 9:57 and approximately
5 22 seconds, and we are going to ask you to watch
6 the footage, and then we will have some
7 questions regarding that footage.

8 Initially, we will watch the video in
9 a slowed-down format, because we think that will
10 make it a little bit easier for you to assess
11 what's going on, but if at any portion or at any
12 time you need to see the video again with
13 respect to the questions we are asking, please
14 ask, we will show you the relevant portion again
15 as many times as you need to see it.

16 I would then ask -- I am going to
17 approach Officer Viramontes so we can all watch
18 the video together if that's okay.

19 Officer Viramontes, we are going to
20 play you a portion of this video, and my
21 first -- I am going to first ask you to tell us
22 to stop when you see your vehicle, the 841
23 Robert vehicle pull up to the scene of the
24 shooting; okay?

1 A. All right.

2 Q. Okay. So we will start the video at
3 9:57:22.

4 (Whereupon, a video was
5 played for the witness.)

6 THE WITNESS: That's my car right there.

7 BY MR. NEUMER:

8 Q. Okay. All right. So Officer
9 Viramontes has directed us to stop. There is no
10 embedded timestamp present on the video, but the
11 Window Media Player time bar reads four minutes
12 and 51 seconds. Is that accurate,
13 Mr. Viramontes?

14 A. I probably saw myself a little bit
15 sooner, but yeah.

16 Q. Maybe at 4:50? Should we watch again
17 to get a --

18 A. That's fine.

19 Q. We will go back a little bit.

20 A. Yeah, I just saw the lights. I want
21 to make sure that was a car.

22 Q. Sure. We will watch again.

23 (Whereupon, a video was
24 played for the witness.)

1 THE WITNESS: There.

2 MR. NEUMER: Okay. Stop.

3 THE WITNESS: That's my car.

4 MS. RUSSELL: Indicating a car coming down
5 the street with flashers on.

6 BY MR. NEUMER:

7 Q. And the embedded timestamp reads
8 9:57:30 p.m., okay?

9 Now we will run the video from this
10 portion, and I am going to ask you specifically
11 look to see whether you can see yourself exiting
12 the 841 Robert vehicle on this footage, so we
13 can run the video.

14 (Whereupon, a video was
15 played for the witness.)

16 THE WITNESS: Yeah, I don't see myself. I
17 see the door open, but that's it.

18 BY MR. NEUMER:

19 Q. Do you need to see the video again?

20 (Whereupon, a video was
21 played for the witness.)

22 THE WITNESS: The door opens. I don't see
23 myself. It goes off camera.

24

1 BY MR. NEUMER:

2 Q. Okay. So do you recall whether you
3 exited the vehicle, the 841 Robert vehicle
4 during the shooting?

5 A. I believe there is another video, and
6 I could probably clarify it.

7 Right now, I know I exited the
8 vehicle. I don't know if it was simultaneously,
9 I believe it was, but I don't -- from this view,
10 I can't tell.

11 Q. Okay. Do you believe you exited the
12 vehicle immediately after you opened the vehicle
13 door?

14 A. Yeah, I don't know.

15 Q. Okay. Do you think it is the Dunkin'
16 Donuts security video that you -- that shows you
17 exiting the vehicle?

18 A. Yeah, I don't know.

19 Q. Okay. But you believe that some
20 video you saw showed you exiting the vehicle?

21 A. Yes.

22 Q. Okay. We are now opening the Dunkin'
23 Donuts security cam file.

24

1 (Whereupon, a video was
2 played for the witness.)

3 BY MR. NEUMER:

4 Q. Is this the video you believe you
5 were referring to, Officer Viramontes?

6 A. No, this isn't the video.

7 MR. BROWN: All right. We will stop that
8 one.

9 MR. NEUMER: We will go back to the other
10 video.

11 MR. BROWN: Do you think there is a chance
12 it could be the 845?

13 THE WITNESS: I see myself getting out the
14 845, but that's the one I had a problem with the
15 timing issue.

16 I know I get out of the car, but I
17 don't know as far as -- the timing as far as
18 when the shooting happened, and that's what you
19 see.

20 You see me getting out, but you don't
21 see McDonald or anybody, just my car. If you
22 could play that.

23 MR. BROWN: Sure, okay.

24

1 (Whereupon, a video was
2 played for the witness.)

3 MR. NEUMER: We are now viewing the 845
4 Robert video, dash cam video. The time stamp
5 says 9:57:22 p.m.

6 THE WITNESS: That's -- I think this is my
7 shadow.

8 BY MR. NEUMER:

9 Q. That's you?

10 A. Yes.

11 Q. Okay. We will go back.

12 (Whereupon, a video was
13 played for the witness.)

14 BY MR. NEUMER:

15 Q. So now the Window Media Player time
16 bar reads four minutes and 44 seconds.

17 Is the vehicle shown in the 845R dash
18 cam here, is that your vehicle, Officer
19 Viramontes?

20 A. Yes, it is.

21 Q. And is that -- let's see. That's the
22 passenger door being opened, is that what the
23 video shows?

24 A. This is the driver.

1 Q. That's the driver. Okay. All right.
2 So the driver's side door is being opened.
3 Embedded time stamp was 9:57:36.

4 A. Yes.

5 Q. And Officer Viramontes, does the
6 video show you exiting your vehicle?

7 A. Yes, it does.

8 Q. And it shows Officer Fontaine exiting
9 the vehicle?

10 A. That's correct.

11 MR. NEUMER: Okay. Can we go back to the
12 other video?

13 MR. BROWN: Now we will go back to the 813R
14 video.

15 BY MR. NEUMER:

16 Q. And as we watch the video this time,
17 Officer Viramontes, I want you to focus on the
18 arrival of your vehicle in connection to the
19 ultimate shooting.

20 (Whereupon, a video was
21 played for the witness.)

22 BY MR. NEUMER:

23 Q. My question is, you stated that it
24 was accurate that you repeatedly heard Officer

1 VanDyke say "drop the knife"; is that correct?

2 A. That's correct.

3 Q. So I want you to watch the video one
4 more time and tell me whether that changes your
5 assessment as to the accuracy of your statement
6 that you repeatedly heard Officer VanDyke say
7 "drop the knife."

8 MR. BROWN: And I will ask Officer
9 Viramontes, do you want that on full speed or do
10 you want that to be slowed down?

11 THE WITNESS: No, you could put it full
12 speed.

13 (Whereupon, a video was
14 played for the witness.)

15 BY MR. NEUMER:

16 Q. Would you like to see the video
17 again?

18 A. No.

19 Q. Do you believe there was sufficient
20 time for you to have heard Officer VanDyke
21 repeatedly say drop the knife?

22 A. When my door opened, that's when I
23 started hearing.

24 Q. So after you opened the door, you

1 heard Officer VanDyke say "drop the knife"?

2 A. He was saying it. As he was -- as he
3 was using his duty weapon, he was stating those.
4 That's what I believe, yes.

5 Q. As he was firing his weapon, he was
6 saying "drop the knife"?

7 A. That's correct.

8 Q. Okay. Did you hear Officer VanDyke
9 say "drop the knife" before he started firing?

10 A. I couldn't have, because I was still
11 traveling.

12 Q. Okay. So it was during the shooting
13 incident?

14 A. That's correct.

15 Q. Okay. I think we are done with the
16 video.

17 With respect to the shooting, I am
18 unfamiliar. How loud is it when you shoot a
19 service weapon?

20 MS. RUSSELL: Do you want to give him
21 decibels? Do you want him to compare it to
22 what, a drum? What do you want to do?

23 I mean, it is not quiet. Would you
24 agree?

1 THE WITNESS: Well, the only experience --
2 the only experience I have is in the gun range,
3 and I have -- and it is pretty loud in there.

4 BY MR. NEUMER:

5 Q. So you put like earmuffs on?

6 A. Yeah, so like as far as being
7 outside, I don't know what millimeter, what was
8 used, I don't recall.

9 So I don't know, it depends on the
10 type of service weapon that he had.

11 Q. Is it like a firecracker?

12 A. There is loud firecrackers, there is,
13 you know.

14 Q. Okay. So I guess your statement is
15 that it is loud enough that when you go to a gun
16 range, you put on earmuffs; right?

17 A. You are enclosed being in a gun
18 range. Being outdoors, it could be different.

19 MR. NEUMER: Kris, follow-up?
20
21
22
23
24

1 FURTHER EXAMINATION

2 BY MR. BROWN:

3 Q. I do have one follow-up question.

4 Near the earlier part of the statement that's
5 attributed to you, the part about when Officer
6 Viramontes added that when he exited the police
7 vehicle, you noted after having the opportunity
8 to view the video that you wanted to kind of
9 amend that and say it was more accurate to say
10 that was when you were driving to the scene,
11 that's when you were arriving, as opposed to
12 stating when you exited the police vehicle you
13 observed the black male subject now known as
14 Laquan McDonald?

15 A. Are we talking about when I observed
16 him walking? Is that what you are asking?

17 Q. Yeah, I am sorry. Let me do a better
18 job.

19 I am just making a note of the very
20 first statement that's attributed to you.

21 A. Okay.

22 Q. Early on you noted that after having
23 an opportunity to view the video, you stated
24 that it wasn't when you exited the vehicle you

1 made the observation about the black male
2 subject, now known as Laquan McDonald. That
3 occurred as you were driving down the street as
4 you were approaching the scene; correct?

5 A. Yeah, that's what you were asking me,
6 yes. I saw while I was driving towards the
7 scene, I saw a male, which we now know as
8 McDonald, walking down the street.

9 Q. So now in that similar type of I
10 guess review and reflection, I wanted to ask you
11 about the statement about McDonald fell to the
12 ground but continued to move, attempting to get
13 back up with the knife still in his hand.

14 I was wondering after you had the
15 opportunity to view the video, did you want to
16 make any clarifications to that statement that
17 was attributed to you?

18 A. No.

19 MR. NEUMER: Would it be helpful to view
20 the video again in response to my colleague's
21 question?

22 THE WITNESS: Ask me the question one more
23 time.

24

1 BY MR. BROWN:

2 Q. Sure, sure. In the statement, it is
3 attributed to you, it is listed that McDonald
4 fell to the ground but continued to move,
5 attempting to get back up with the knife still
6 in his hand.

7 I wanted to ask you, after having the
8 opportunity to view the video, did you want to
9 clarify that statement at all?

10 A. You know, this is the problem that I
11 have about that video. You can keep showing me
12 that video.

13 I mean, you can show me and show me,
14 but what I thought I saw when I got there is
15 what I gave my statement to the detective.

16 Now, the video, of course everybody
17 is telling me different, but the video might
18 show me differently, but I believe what I stated
19 is what I thought I saw.

20 Q. And I wasn't -- yeah, I wasn't asking
21 if what you -- your observation when you made
22 the statement.

23 I wasn't asking, per se, about that.
24 I was asking more so like now that you have had

1 time to review the video, do you feel that
2 anything about that statement was inaccurate
3 that you would like to clarify?

4 A. No.

5 MS. RUSSELL: I mean, so I think here is
6 where the problem lies is, is that what he
7 believes he saw at the time? Yes.

8 So are you asking him like now that
9 you have had a chance to review the video, does
10 it change what you thought you saw at that time?

11 BY MR. BROWN:

12 Q. No, I am more so asking that now that
13 you had a chance to view the video, do you think
14 that's an accurate statement?

15 A. Well, the video speaks for itself.

16 Q. Well, just keeping in mind that you
17 clarified that first statement that was
18 attributed to, I was just wondering did you want
19 to clarify this statement?

20 A. No. That's what I thought I saw.

21 Q. And I think we are in agreement on
22 that part, that's what you thought you saw, but
23 I am just asking about after you saw the video,
24 did you want to clarify anything about it?

1 A. No.

2 Q. Kind of going back to the first
3 statement now where it is attributed to you that
4 you observed a black male subject now known as
5 Laquan McDonald walking southbound on Pulaski
6 Road in the middle of the street holding a knife
7 in his right hand.

8 I wanted to ask you if you saw that,
9 how was it that you did not see McDonald turn
10 towards Officer VanDyke and Officer Walsh?

11 MS. RUSSELL: What was that question again?

12 BY MR. BROWN:

13 Q. Okay. If you saw -- as you are
14 approaching the scene and you see McDonald
15 walking southbound, you noted earlier that you
16 did not see McDonald make the turn.

17 I was just wondering if you was able
18 to see McDonald walking southbound and you were
19 able to see the shooting, how is it that you did
20 not see him make the turn toward the officers?

21 MS. RUSSELL: Can we have a minute?

22 MR. BROWN: Sure.

23 (Discussion had off the record.)

24 MR. NEUMER: The time is 1:15 p.m. We are

1 back on the record.

2 BY MR. BROWN:

3 Q. Just to clean that question up, the
4 turn that you didn't see was just in regards to
5 McDonald, I guess, walking southbound making the
6 slight turn?

7 A. No. Are you talking about the
8 direction that he turned?

9 I mean, he turned towards them. He
10 looked at them if that's -- that's what I
11 stated, not the actual change direction part of
12 it.

13 Q. That's what I am trying to get to.
14 That's the part you didn't see?

15 A. Yeah, I didn't see that.

16 MR. BROWN: Okay. That's fine.

17 FURTHER EXAMINATION

18 BY MR. NEUMER:

19 Q. One question with respect to the
20 statement that, "After McDonald fell to the
21 ground, he attempted to get back up with the
22 knife still in his hand."

23 Officer Viramontes, did anyone tell
24 you to make that statement?

1 A. No.

2 Q. Did anyone encourage you to make that
3 statement?

4 A. No.

5 Q. Okay. We are going to go on to the
6 in-car video system for the Vehicle 8948.

7 Just briefly, what is a in-car video
8 system and what is its purpose?

9 A. In-car camera records anything
10 that's -- well, the camera is pointed in front
11 of the vehicle, and it usually starts
12 recording -- well, it is always recording, my
13 understanding, it is always recording, but it
14 will turn on, I think it stamps when the mars
15 lights are, emergency vehicle -- I am sorry.

16 When you turn on the mars lights, it
17 starts regarding, which is what we thought, and
18 you can't automatically turn it off. You have
19 to manually turn it off.

20 Q. Okay. And so tell us about how you
21 interact with the system. How do you get it
22 going, like during your daily shift, during your
23 tour of duty?

24 A. You are asking me from the beginning?

1 Q. Yeah, start from the beginning of the
2 day and any other time you are kind of
3 interacting with it, whether turning it on, off,
4 things like that?

5 A. Well, we are assigned a vehicle. We
6 get -- we inspect the vehicle before leaving,
7 make sure the camera is working, but other than
8 that, sometimes there is ticket numbers on
9 there, but if it is working, we log on through
10 our -- what we call our PC number and our
11 password.

12 Q. And what's your PC number?

13 A. It is [REDACTED].

14 Q. And this is the sort of process and
15 protocols that were in place as of October 20,
16 2014?

17 A. Yeah, I don't know when it started,
18 but it seems like it has been awhile now.

19 Q. Okay. So your best recollection is
20 that those were the protocols you described were
21 the ones that were in place on October 20, 2014?

22 A. That's correct.

23 MS. RUSSELL: I think he said he didn't
24 know.

1 BY MR. NEUMER:

2 Q. I want to hand you an exhibit. It is
3 a Special Order and we will mark this as
4 Exhibit 7.

5 (Whereupon Exhibit No. 7 was
6 marked for identification.)

7 BY MR. NEUMER:

8 Q. This is Chicago Police Department
9 Special Order S03-05, issue date of February
10 23rd, 2012, and I am going to direct your
11 attention to Section IV of the Special Order.
12 This should be on Page 3. Section VI is titled
13 Operational Procedures, and I am going to read
14 you a portion of this.

15 It says, "Department members assigned
16 to a Department vehicle equipped with an in-car
17 video system will at the beginning of a tour of
18 duty: visually inspect the in-car video system
19 equipment for damage; obtain the remote
20 transmitter/audio recorder and ensure it is
21 securely attached to the member's person; follow
22 the start-up procedures for the in-car video
23 system as trained, and ensure the system is
24 working properly."

1 Officer Viramontes, as of October 20,
2 2014, were you aware of the procedures, the
3 operational procedures I just read to you?

4 A. I don't know General Order about it.
5 I probably was told at one time, but I don't
6 remember.

7 Q. Were you ever trained as to the
8 operational procedures I just read to you?

9 A. Yes.

10 Q. Tell us about that training.

11 A. It was at the Academy. I don't
12 remember when I was trained, but it has been
13 awhile.

14 Q. For a training like that, would you
15 sign in, or would there be some record of your
16 attendance?

17 A. There should be, yes.

18 Q. So again, with the protocol that you
19 were to visually inspect the in-car video system
20 equipment for damage, as of October 20, 2014,
21 was it your practice to inspect the in-car video
22 system for the car you were assigned for any
23 damage?

24 A. That's correct.

1 Q. Okay. So did you know that that was
2 the proper protocol to follow?

3 A. Can I ask --

4 MS. RUSSELL: You know what, guys, we are
5 going to take a walk around the block.

6 MR. BROWN: The time is now 1:21, and we
7 will go off the record.

8 (Short break in proceedings.)

9 MR. NEUMER: The time is 1:33 p.m. We are
10 back on the record.

11 BY MR. NEUMER:

12 Q. We were talking about some of the
13 operational procedures that relate to the in-car
14 video system.

15 I think, I believe, correct me if I
16 am wrong, you stated that it was your practice
17 to visually inspect the in-car video system
18 equipment for damage prior to the start of your
19 tour of duty?

20 A. That's correct.

21 Q. And do you recall whether that was
22 your practice prior to October 20, 2014?

23 A. Yes.

24 Q. I want to direct your attention in

1 the Exhibit 7, Page 3, Section VI6, there is a
2 Note that says members -- sorry.

3 Section VI, Note at the bottom of the
4 page, second to the last paragraph. Do you see
5 what I am talking about?

6 A. No.

7 MS. RUSSELL: Right there.

8 THE WITNESS: Okay. Oh, Note. Okay.

9 BY MR. NEUMER:

10 Q. It says, "Members will immediately
11 notify a supervisor if, at any time, the in-car
12 video system is inoperable, damaged, the
13 equipped vehicle becomes inoperable or the
14 remote transmitter/audio recorder is missing."

15 Were you aware of that requirement as
16 of October 20, 2014?

17 A. Yes.

18 Q. Okay.

19 A. But in practice, I don't think we are
20 doing that. I mean, as far as -- there is a
21 procedure that the sergeants handle however they
22 handle it in the District.

23 Q. Can you say a little more?

24 A. Just when the vehicle -- when the

1 in-car camera is not working, sometimes there is
2 a ticket number, and usually the supervisor will
3 ask us early on in the shift, usually through
4 the PDT if our camera is working or not.

5 Q. And just for the record, what's the
6 PDT?

7 A. That's the computer in our vehicle.
8 And that's how we usually will notify our
9 supervisor when the camera is not working, or if
10 it has a ticket number, we relay the ticket
11 number to the sergeant.

12 Q. And just so we are clear. For the
13 moment we are talking about like October 20,
14 2014, so was that the practice that was in place
15 as of October 20, 2014?

16 A. If that's what the sergeants were
17 doing, that's what they are doing. That's what
18 we are following.

19 Q. So have there been occasions where
20 you have at the beginning of your tour found the
21 in-car video system for the vehicle you are
22 assigned to to be inoperable?

23 A. That's correct.

24 Q. And so tell us about what you would

1 do -- what you have done in those situations.

2 What process would you follow?

3 A. I would just log onto my computer, go
4 on my tour of duty, wait until either the
5 sergeant asks me for that information, or
6 sometimes I will send it myself.

7 Q. Okay. And does that happen every --
8 does the sergeant check in everyday to say how
9 is the in-car video system for your vehicle?

10 A. That's correct, yes.

11 Q. And so you give him a thumbs up or a
12 thumbs down?

13 A. That's correct.

14 Q. Is that still the procedure now?

15 A. I know they have changed general
16 orders recently.

17 Q. Yes.

18 A. Do I tell my sergeant when it is
19 broken at the time? Yes, I do, right away, but,
20 you know, it all depends on the sergeant.

21 The sergeants don't go out when we do
22 sometimes. I know they have some in-house
23 procedures.

24 I don't know what they are doing

1 there, whatever they need to do.

2 Q. Okay. I want to now direct your
3 attention to October 20, 2014, and the in-car
4 video system for the 841 Robert vehicle you were
5 driving?

6 A. Okay.

7 Q. Do you recall what that 841 Robert
8 vehicle's number was?

9 A. I should know by heart. No, I don't.

10 Q. Does the number 8948 ring a bell?

11 A. I use so many cars.

12 MS. RUSSELL: If you represented that that
13 was the vehicle you were driving that night --

14 THE WITNESS: Yeah.

15 MS. RUSSELL: We have no reason to doubt
16 it.

17 BY MR. NEUMER:

18 Q. If records indicate that it was
19 Vehicle 8948, you --

20 A. That's fine, yeah. It is whatever
21 was stated on the --

22 Q. Okay. And so I will -- at times I
23 will be interchangeably referring to it as 841
24 Robert vehicle and Vehicle 8948, is that okay?

1 A. Yeah.

2 Q. So you were the driver of the 841
3 Robert vehicle on October 20, 2014; correct?

4 A. That's correct.

5 Q. And that vehicle had an in-car video
6 system?

7 A. That's correct.

8 Q. Were you generally assigned Vehicle
9 8948 as of that time, October 20, 2014?

10 A. Are you asking me if other people use
11 that car?

12 Q. I guess I am saying I know that there
13 are certain relief officers who bounce around
14 vehicles a lot.

15 Did you generally stay in the same
16 vehicle, or were you bouncing around to vehicles
17 all the time?

18 A. I -- whatever is available, they
19 usually will give it to me.

20 Q. So in a given week, you could have --
21 be in three or four different vehicles?

22 A. That's correct.

23 Q. As of October 20, 2014, how long had
24 you worked in a squad car that had an in-car

1 video system?

2 A. I mean, there will be occasions.
3 Even now, the problem is I am on 841 Robert,
4 which is a rapid response car, and that vehicle
5 usually will get downed if there is not enough
6 manpower to fill in the other beats. So I
7 bounce around. I am never usually on 841.

8 Q. Sure.

9 A. As far as the vehicle, it is whatever
10 is available at the time.

11 Q. I guess let's talk about the two
12 years prior to October 20, 2014.

13 Were the vehicles you were assigned
14 to, did they generally have in-car video
15 systems?

16 A. If that was -- I don't remember. I
17 mean, until this day, I occasionally will get a
18 car that doesn't have a camera.

19 Q. Okay.

20 A. Which is basically a pool car, which
21 is the left over.

22 Q. Do you have any recollection with
23 respect to the vehicle you were driving on
24 October 20, 2014, whether you had previously,

1 prior to that night, had issues with that
2 vehicle's in-car video system?

3 A. I don't -- I wouldn't remember.

4 Q. Okay. So take us through, if you
5 have any recollection, what you did with respect
6 to the in-car video system of the 841 Robert
7 vehicle on the night of October 20, 2014.

8 MS. RUSSELL: What would his normal
9 protocol be, or what he remembers he
10 specifically --

11 BY MR. NEUMER:

12 Q. I am asking your independent
13 recollection on October 20, 2014, as to what
14 steps you took with respect to the in-car video
15 system.

16 A. As far as what I did with the in-car
17 camera, I mean, if -- usually there is a ticket
18 number, I don't go beyond turning it on because
19 it -- apparently, it is broken, but that night,
20 I don't know exactly what I did, but I -- after
21 I got my belongings from my vehicle, my personal
22 vehicle after leaving the lot, I went to Dunkin'
23 Donuts, so that's -- not the Dunkin' Donuts
24 from -- this is another one on 55th, and that's

1 when -- that's how quick it happened from the
2 start of the shift so...

3 I didn't do anything with respect --
4 if you are asking me, did I notify a sergeant.
5 No, I didn't.

6 Q. What were you referring to with
7 respect to Dunkin' Donuts?

8 A. I thought my procedure of what I did.
9 I was telling you my day already.

10 I didn't tell the sergeant, if that's
11 what you are referring to. I didn't do anything
12 because I believed at the time it wasn't
13 working, or I think that's what it was. I don't
14 remember.

15 Q. Okay. So I guess your -- do you have
16 a recollection, and you may have just answered
17 this, as to whether the in-car video system for
18 vehicle 8948 was functioning on that night?

19 A. I don't remember if I checked it or
20 if I didn't.

21 Q. Okay. So there was no audio or video
22 recovered from Vehicle 8948 the night of October
23 20, 2014.

24 Do you have any explanation as for

1 why that was?

2 A. I have no idea.

3 Q. In general, the in-car video system,
4 it is supposed to automatically engage the audio
5 and video recording when the emergency lights
6 are activated; right?

7 A. That's correct.

8 Q. And your emergency lights, the
9 vehicle, the 841 Robert's vehicle emergency roof
10 lights, they were activated when you arrived to
11 the McDonald shooting; is that correct?

12 A. That's correct.

13 Q. At any time on October 20, 2014, or
14 in days or weeks prior, did you intentionally
15 tamper with the 841 Robert vehicle's in-car
16 video system causing it to be non-operational on
17 that night?

18 A. No, I didn't.

19 Q. Do you know whether at any time prior
20 to October 20, 2014, or on October 20, 2014,
21 Officer Fontaine intentionally tampered with the
22 Vehicle 8948's in-car video system causing it to
23 be non-operational?

24 A. No, I wouldn't know that, no.

1 Q. Okay. We are going to hand you what
2 is marked as -- we are going to do three
3 exhibits. It is 8, 9 and 10.

4 (Whereupon Exhibit Nos. 8-10
5 were marked for identification.)

6 BY MR. NEUMER:

7 Q. The first is a Supplementary Report
8 completed by Sergeant Lance Becvar that concerns
9 the vehicles that were -- the CPD vehicles that
10 were at the scene of the shooting and his
11 findings regarding in-car video systems of those
12 vehicles.

13 The second exhibit I am going to hand
14 you, Exhibit 9, is an In-Car Camera Video
15 Retrieval Worksheet, and this -- which is dated
16 October 20, 2014.

17 The requester is Deputy Chief
18 McNaughton, and again has -- makes reference to
19 five of the vehicles, CPD vehicles that were at
20 the scene of the shooting and their in-car video
21 system, and then Exhibit 10, is an e-mail from
22 Sergeant Lance Becvar to Jonathan Lewin, and
23 this contains his findings with respect to the
24 vehicles that were at the scene of the shooting,

1 including -- well, the Exhibit 10 refers to
2 Vehicle 8949.

3 We subsequently confirmed with
4 Sergeant Becvar that was a typo in his e-mail;
5 that he was referring to 8948, and Vehicle 8948
6 corresponds to the In-Car Camera Video Retrieval
7 Worksheet, Exhibit 9, as well as the
8 Supplementary Report, Exhibit 8, so we believe
9 he is indeed referring to Vehicle 8948 there.

10 So take a moment, look these over. I
11 will direct you to the Exhibit 8, Supplementary
12 Report.

13 At the almost the bottom of it, the
14 next to Beat 841 Robert Vehicle 8948, Sergeant
15 Lance Becvar has written, "Not engaged - Officer
16 reported application error."

17 With respect to the "officer
18 reported" portion of his notes, do you recall
19 having any conversation with Sergeant Becvar on
20 the night of October 20, 2014?

21 A. No.

22 Q. Do you recall Officer Fontaine having
23 any conversation with Sergeant Becvar on
24 October 20, 2014?

1 A. No.

2 Q. Do you have any recollection of
3 reporting that there was an application error in
4 the in-car video system for 841 Robert vehicle
5 the night of October 20, 2014?

6 A. No. Can I add something?

7 Q. Sure.

8 A. This is with regards to the camera.

9 MS. RUSSELL: Tell me first. Let's step
10 out.

11 MR. BROWN: The time is now 1:47, and we
12 will go off the record.

13 MR. NEUMER: The time is 1:47. We are back
14 on the record.

15 THE WITNESS: This is in regards to the
16 camera. I do remember on scene, there was a
17 tech from the City trying to retrieve,
18 because -- anything, video from our vehicle.

19 My understanding is that sometimes
20 they could retrieve certain footage or even
21 audio, whatever it was, but my understanding is
22 they couldn't get anything. It was a dead
23 system.

24 So I don't know who that tech guy

1 was, but I know he was from the city.

2 BY MR. NEUMER:

3 Q. Okay. So you saw him out at the
4 scene?

5 A. Yes.

6 Q. Okay. Did you have any conversations
7 with him when he was trying to retrieve the
8 footage from your vehicle?

9 A. No, I don't. I mean, I know, because
10 we had to get out of the vehicle, just so he
11 could -- whatever he needed to do.

12 Q. Okay. So you and Officer Fontaine
13 stepped out of the vehicle, and then sergeant --
14 well, a tech?

15 A. Yeah. I don't know if he is the one
16 that was retrieving the video from all of the --

17 Q. Some tech was taking out --

18 A. That's correct.

19 Q. Do you know what he was taking out?

20 A. I know he was dealing with the in-car
21 camera video.

22 Q. So you and Officer Fontaine stepped
23 out, and he came in to do something with the
24 in-car video system?

1 A. That's correct.

2 Q. Did you watch him? Did you see what
3 he was doing?

4 A. I -- I --

5 Q. No?

6 A. I, you know -- no, I don't know.

7 Q. Okay. All right. So what are you
8 supposed to do if the in-car video system for
9 your assigned vehicle is not functioning
10 properly?

11 A. I would --

12 Q. And this is as of October 20, 2014?

13 A. I am supposed to tell a supervisor.

14 Q. Okay.

15 A. Our sector sergeant, whatever our
16 sergeant is assigned to.

17 Q. Did you call your supervisor on
18 October 20, 2014 to report that Vehicle 8948's
19 in-car video system wasn't working?

20 A. No, I didn't.

21 Q. How come?

22 A. Like I mentioned earlier before, I
23 usually will wait for him to give me -- ask for
24 that information.

1 Whether he was out on the street or
2 not -- I can't remember the sergeant that was --
3 it might have been 810 Robert. I think it was
4 Sergeant Franko that was out, but he is usually
5 not on the street right away. That I do know.

6 Q. Do you recall whether at any time on
7 the night of October 20, 2014, or the next day
8 you reported the in-car video system for 841
9 Robert vehicle was non-operational?

10 A. Are we talking that same night?

11 Q. Same night, the next morning.

12 A. No, I didn't, because we all knew --
13 well, when they were trying to retrieve, I knew
14 it wasn't working.

15 Q. Did you think at that point that they
16 knew, that the appropriate people knew?

17 A. A sergeant might have come over. All
18 that I know, a sergeant came over and did his
19 log, whatever they needed to do.

20 Q. Okay. Do you recall if you filed --
21 are you familiar with the term "Help Desk
22 Ticket"?

23 A. Yes.

24 Q. Okay. What is a Help Desk Ticket?

1 A. It is a -- it is where we called --
2 when we have problems, like logging onto the
3 computer.

4 Actually, we have been calling
5 because our 841 Robert doesn't register on the
6 in-car camera. It is only 841.

7 Q. As of recently?

8 A. It has been going on since we have
9 been on -- the camera has been going on, so I
10 know my partner has been trying to -- she has
11 been getting ticket numbers to get it registered
12 on there, so we just register as 841.

13 Q. I gotcha. Do you recall filing or
14 creating a Help Desk Ticket with respect to the
15 841 Robert vehicle's in-car video system any
16 time prior to October 20, 2014?

17 A. We give the information when it is
18 not working to the sergeant, and the sergeant is
19 the one that calls.

20 Q. Okay. All right. Do you recall
21 telling the sergeant any time prior to
22 October 20, 2014, that the Vehicle 8948's in-car
23 video system wasn't functioning?

24 A. I don't know what car I had the day

1 before or any other time.

2 I might have had that car at one
3 time, and if it wasn't working, I would tell
4 them.

5 Q. And would there be a record if you
6 told your sergeant about a non-functioning
7 in-car video system?

8 A. Hopefully, there is. I mean, I
9 believe they keep a log of when the cars -- I
10 mean, every watch, if they use that car on every
11 watch, their sergeant should -- I don't know how
12 they collected data as far as the sergeants,
13 what they do with the information, if it is not
14 working.

15 Q. Is it fair to say you are not sure
16 one way or another what sort of records they
17 keep?

18 A. That's correct.

19 Q. Okay. Do you have any explanation
20 why there was no audio captured by any of the
21 vehicles that were at the scene of the McDonald
22 shooting?

23 A. I can't speak for the other vehicles,
24 but for my vehicle, if the video camera is not

1 working, there isn't going to be no audio.

2 Q. Was it surprising -- when did you
3 learn that there was no audio recovered from the
4 vehicles that were at the scene of the shooting?

5 A. I wouldn't know that. No.

6 Q. Did you know that prior to today;
7 that there was no audio recovered from any of
8 the vehicles that was at the McDonald shooting?

9 A. Well, it is all over the news.

10 Q. Did it surprise you when you found
11 out that there was no audio recovered?

12 A. You know, in all fairness, most of
13 those -- most of the cameras didn't work at that
14 time I know on most of the vehicles.

15 I mean, I want to say a big majority
16 of the vehicles had ticket numbers that I have
17 used.

18 I can't speak for anybody else of why
19 they -- if they didn't have video or audio.

20 Q. As of October 20, 2014, had you ever
21 heard of police officers intentionally disabling
22 the audio system for their vehicles?

23 A. I have heard something, but I --

24 Q. What have you heard?

1 A. I heard about people turning the
2 battery -- I don't know how many instances.

3 Q. Turning the batteries upside down?

4 A. That's what I heard but...

5 Q. Had you ever witnessed anyone doing
6 that?

7 A. No.

8 Q. This is now the Notice of Allegation
9 portion. We can look at 7, 8 and 9.

10 Officer Viramontes, it is alleged
11 that on or about October 20, 2014, you failed to
12 ensure the in-car video system for CPD vehicle
13 8948 was working properly at the beginning of
14 your tour of duty.

15 What is your response to that
16 allegation?

17 A. Yeah, I failed to do it.

18 Q. It is alleged that on or about
19 October 20, 2014, you failed to immediately
20 notify a supervisor that the in-car video system
21 for CPD Vehicle 8948 was inoperable or damaged.

22 What is your response to that
23 allegation?

24 A. Yeah, I failed to do that, too.

1 Q. It is alleged that on or about
2 October 20, 2014, you failed to record audio and
3 video events with CPD Vehicle 8948's in-car
4 video system during your tour of duty.

5 What is your response to that
6 allegation?

7 A. That one -- I had no control over
8 that one. The video wasn't working.

9 MR. NEUMER: Kris, follow-up?

10 MR. BROWN: I do have a couple follow-up
11 questions.

12 FURTHER EXAMINATION

13 BY MR. BROWN:

14 Q. You mentioned typically the sergeant
15 would reach out to you to ask if the in-car
16 video system was working; is that correct?

17 A. That's correct.

18 Q. Is there a particular time that the
19 sergeant would reach out to you?

20 A. No, not really. Just usually they
21 try to -- whatever they log -- I don't know how
22 they work, but even me, even now, I try to give
23 it as quick as I can, so I voluntarily will send
24 them a message if he is able to get the message.

1 Q. Okay. So if a sergeant does send you
2 a message, and you don't have your system open,
3 will you receive it?

4 A. Well, I am supposed to log on right
5 away. I usually log on as soon as my start of
6 the shift on the computer.

7 Q. Okay. And you mean that that's the
8 PDT?

9 A. That's the PDT, that's correct.

10 Q. And is that a rule or procedure, you
11 are supposed to log on the PDT as soon as you
12 start your shift?

13 A. Yes. Now, is it practiced a lot?
14 Probably not, because you get your coffee and,
15 you know.

16 MS. RUSSELL: Back to the Dunkin' Donuts
17 again, guys.

18 THE WITNESS: You got to get that donut.
19 BY MR. BROWN:

20 Q. And I think you kind of already said
21 this, but it sounds like if the sergeant doesn't
22 notify or ask you if the video camera in your
23 car is working, you would then in turn notify
24 him at some point during your shift; correct?

1 A. I personally, yes.

2 Q. Is there any other method that you
3 use to notify the sergeant other than the PDT?

4 A. No, not really. I mean, usually the
5 PDT is the way we communicate.

6 Unless you are friends with -- I am
7 not, you know, just they are co-workers for me,
8 supervisor if you want to say, but everything is
9 done on the PDT.

10 Q. Okay. So if certain officers are
11 friends with the sergeant, do you mean that they
12 might call the sergeant --

13 A. Or text them, sometimes a message
14 here if they are busy, but I, you know, I don't
15 do that as a practice.

16 Q. Do you know if you have your PDT
17 system open but the sergeant hasn't opened his,
18 will he receive your message about a camera
19 system or anything else you want to send him a
20 message about?

21 A. Both systems have to be logged in,
22 not just turned on. So you have to log in to be
23 able to receive and get messages.

24 If you send a message and they are

1 not logged on, usually it will give you a
2 message telling you they are not on.

3 I don't know what words they -- the
4 PDT uses, but it will notify you that they are
5 not signed on.

6 Q. But if you were to send a message and
7 you can understand to see that, oh, the
8 recipient isn't logged on, when they do log on,
9 will they then receive your message?

10 A. No. There is a way of doing it, but
11 no, they won't get it like that.

12 Whoever is sending it, they will
13 automatically know they are not logged on.

14 Q. A little bit ago we talked about a
15 Sergeant Becvar. I wanted to ask. Do you know
16 who Sergeant Becvar is?

17 A. No.

18 Q. All right. Would you have any idea
19 if you ever -- strike that. You don't know who
20 he is.

21 You mentioned that you heard about
22 audio being tampered with, maybe the batteries
23 being turned upsidedown?

24 A. It is -- you hear about it --

1 MS. RUSSELL: It is like a rumor?

2 THE WITNESS: It is a rumor, yeah, if
3 that's what you want to call it.

4 BY MR. BROWN:

5 Q. I wanted to ask had you heard any
6 other rumors about the audio being tampered
7 with, any other methods how that could occur?

8 A. No, not that I --

9 Q. Okay. Had you heard anything about
10 the video systems being tampered with?

11 A. They are all rumors, people moving
12 the camera around, but that's -- I mean,
13 everybody -- you just hear stuff, I mean, from
14 other districts, but if they are true or not, I
15 don't know.

16 Q. Sure. But just trying to understand
17 what some of the methods might be. Is one
18 moving the camera around?

19 A. It is probably one of them, but I
20 mean, I can't start thinking about any other
21 methods that people use, if there was any.

22 Q. Sure. Just in relation to moving the
23 camera around, do you know, how would that work?

24 A. Well, the camera is, it is easily --

1 you could move it. It tilts, and part of our
2 inspection is that you have to make sure that
3 the camera is in full view of what you need to
4 do.

5 Q. So you have to make sure the view is
6 oriented out the windshield?

7 A. That's correct.

8 Q. And it is easy to turn it a different
9 direction if you -- if an officer wanted to do
10 that?

11 A. If you wanted to, yeah.

12 Q. Okay.

13 A. It is not stable. It is enough that
14 we are able to control how much to be able to
15 get a full view of what we need to.

16 Q. Okay. Had you heard any other rumors
17 about how video is tampered with?

18 A. No.

19 MR. BROWN: No. Okay. That's all my
20 follow-up.

21 MR. NEUMER: I think that's all our
22 questions today. We thank you for your time.

23 MS. RUSSELL: He may have a final comment.
24 Let's take a minute. Break again.

1 MR. NEUMER: The time is 2:01. We will go
2 off the record.

3 (Short break in proceedings.)

4 MR. NEUMER: The time is 2:01 p.m., and we
5 are back on the record.

6 THE WITNESS: No, I don't have another
7 comment.

8 MR. NEUMER: That's it. At 2:01, this
9 interview is concluded.

10 MR. BROWN: Thank you very much, Officer
11 Viramontes.

12 (Which were all the proceedings
13 had in the above-entitled cause
14 on this date.)
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1 STATE OF ILLINOIS)


2) Ss:

3 COUNTY OF C O O K)

4

5 I, Teresa Volpentesta, a Notary
6 Public within and for the County of Cook and
7 State of Illinois, and a Certified Shorthand
8 Reporter of said state, do hereby certify that I
9 reported in shorthand the proceedings had at the
10 taking of said interview and that the foregoing
11 transcript is a true record of my shorthand
12 notes so taken as aforesaid, and contains
13 all the requested proceedings at said interview.

14 In witness whereof, I have hereunto
15 set my hand and affixed my notarial seal this
16 31st day of March, 2016.

17 
18

19

20 Notary Public, Cook County, Illinois

21 C.S.R. License No. 84-2781

22

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8	9		
8 174:3 175:8,11 183:9	9 174:3,14 175:7 183:9	activities 107:8	ahead 46:17 125:20
8-10 174:4	9:00 108:5	actual 47:4 159:11	aid 4:6
800 4:22	9:57 144:4	Adams 4:22	air 66:15 71:3 72:1 105:5,14 106:1,2, 13
810 179:3	9:57:22 145:3 149:5	add 116:18 117:23 141:24 176:6	allegation 142:1 183:8,16,23 184:6
813 20:3,13 50:21 51:1 83:9 92:24 93:11 141:9 143:16	9:57:30 146:8	added 95:21 116:12 117:11 120:23 122:8 143:1 154:6	allegations 13:17 15:1,3 17:15,18 18:1 131:4
813R 150:13	9:57:36 150:3	adding 95:17	alleged 130:14 131:10,19 132:3, 17 133:8 141:16 183:10,18 184:1
815 70:15	A	addition 16:15 56:3	allowed 9:23
815R 134:5	a.m. 4:20	additional 14:23	aloud 6:16 7:4,20 8:9,17,24 9:10,19, 22 10:2
841 22:17 23:12,15 64:11 67:22 71:5 77:11,15 102:10 125:3 128:16 129:7,20 130:11 134:23 135:8 144:22 146:12 147:3 168:4,7,23 169:2 170:3,7 171:6 173:9,15 175:14 176:4 179:8 180:5,6,12, 15	ability 68:15 73:10 129:22,23	address 22:4 36:5	ambulance 68:3 69:16 71:4 72:3 73:17 84:8,9,10
841's 88:20	absent 11:22 12:13	addressing 76:7	amend 154:9
845 20:4,13 148:12,14 149:3	absent 11:22 12:13	adds 116:13	Amendment 25:7
845R 149:17	Academy 163:11	administrative 9:22 10:15,23 11:1 16:6	Amicus 4:21
8948 160:6 168:10, 19,24 169:9 172:18,22 175:5,9, 14 183:13,21	accept 21:19	advance 50:22 144:2	amount 25:16
8948's 173:22 178:18 180:22 184:3	accident 69:23	advice 12:15 14:22	and/or 15:17
8949 175:2	accompany 70:21	advised 7:14,22	angle 83:23
8th 5:10 22:13 102:7,9,14 103:5 119:20	account 45:22,24	advisement 6:10, 14,17 10:5 11:3	angrily 78:11
	accuracy 4:6 151:5	Affairs 14:2	answering 7:1 25:15
	accurate 57:9 120:6,17 121:23 122:15 123:1,6,13 126:2 128:1 129:8, 21 130:12 139:11 142:2 145:12 150:24 154:9 157:14	afternoons 58:17	answers 16:3
	acknowledge 9:21	agencies 29:9	apologize 108:6
	action 8:14	agency 10:19 16:9	apparently 171:19
	actions 63:14,22 105:19	agents 27:22 54:16 56:4,11,14, 16	appearance 52:13 56:9
	activated 173:6, 10	agitated 78:12	appeared 55:21, 22
		agree 152:24	application 175:16 176:3
		agreed 138:19	
		agreeing 93:24	
		agreement 28:13 157:21	

approach 144:17	assigned 5:9 22:13 23:13 64:12 66:16 69:16 70:21 71:19 119:19 161:5 162:15 163:22 166:22 169:8 170:13 178:9,16	13,19	21:18 22:8
approached 50:10 74:23 84:7 123:17 126:3	assigning 64:16	attorneys 27:22 55:10,20,21,22	bar 144:1 145:11 149:16
approaches 77:19	assignment 22:10,16 68:17 75:4	attributed 30:18 32:20 115:13 119:16 120:3,22 133:21 136:8 142:7 154:5,20 155:17 156:3 157:18 158:3	based 16:1 79:17 124:5
approaching 50:5,6 124:3 126:23 155:4 158:14	assist 4:16 59:18 60:1 64:17	audio 4:8,12,15 22:2 172:21 173:4 176:21 181:20 182:1,3,7,11,19,22 184:2 187:22	basic 74:12
approximately 144:4	assistance 57:21 58:4 59:8,14,17,23 60:6,14 61:4 134:4	authorities 28:14, 18	basically 21:11 46:18 64:22 65:1, 17 73:8 94:18 114:13 170:20
arbitrator 15:5	Assistant 27:22	automatically 160:18 173:4 187:13	basis 7:18 8:13 9:16 33:6 38:3 40:4 62:4 84:18
Archer 36:10,12	assisted 60:7 61:1	aware 137:11 163:2 165:15	batteries 183:3 187:22
area 55:5 74:1 79:9 87:23 88:1,4, 14,17 90:1,7 91:1, 6,9,16 92:1,3 100:11 101:8,12, 16 102:6,8 107:22 110:20 113:21 114:18,23 115:3	assisting 61:3 68:19	awhile 39:7,9 40:8 161:18 163:13	battery 183:2
arguments 16:16	assume 81:23	B	beat 20:3,4 37:10 68:16 69:7 134:5 175:14
arm 78:11 139:4, 12,18,24	ate 100:6		beats 170:6
arranged 54:8	attached 162:21		Becvar 174:8,22 175:4,15,19,23 187:15,16
arrival 150:18	attacking 139:5, 13,19	B-r-o-w-n 5:3	beginning 142:24 143:4 160:24 161:1 162:17 166:20 183:13
arrive 89:24 110:21	attempt 45:14	Bacerra 38:9,16, 19 59:1	belief 11:6 84:18
arrived 91:9 106:14 107:21 110:4,9 111:1 124:7 135:9 136:12 173:10	attempted 130:18 131:14 159:21	back 12:8 17:23 18:3 26:23 29:13 41:4 44:4 72:6,16, 21 73:2,24 102:2 103:16 116:3 118:15 125:22 126:11,12 129:12 130:18,24 131:8, 14 133:17 141:14 145:19 148:9 149:11 150:11,13 155:13 156:5 158:2 159:1,21 164:10 176:13 185:16	believed 47:3 121:16 172:12
arriving 124:7 154:11	attendance 163:16		believes 157:7
Arturo 38:9	attended 55:19		bell 168:10
asks 78:3 100:18 167:5	attention 113:14 122:22 123:9 162:11 164:24 168:3		belongings 171:21
assert 15:24 25:6	attorney 5:6 13:12 20:21 26:17 27:15, 18 45:9 55:6,12,	background	big 36:17 91:6 182:15
assess 144:10			bigger 36:11 58:17
assessment 151:5			bit 24:2 44:5 58:14 64:23 70:8 82:13 108:7 120:8 144:10 145:14,19 187:14

bits 70:17			
black 121:1 122:10 123:1 135:12 136:14 154:13 155:1 158:4	C	123:17 129:7,20 130:11 134:23 138:24 145:6,21 146:3,4 148:16,21 163:22 169:11,24 170:4,18,20 180:24 181:2,10 185:23	check 167:8 checked 172:19 Chicago 5:4,10,14 6:20 7:17 8:2,7 9:15 13:7 14:1,7, 24 22:13 119:19 162:8
block 66:11,18 103:22 104:4,23 105:2 164:5	California 55:4	care 98:3,5	Chief 174:17
blocking 104:19	call 52:15,20 59:13,24 67:8 70:7,16,21 71:6 73:3 90:9 103:18 109:5 117:1,15 161:10 178:17 186:12	cars 69:7 168:11 181:9	choosing 9:4
Bob 13:5 14:10	called 6:2 57:16 73:16 117:10 180:1	case 18:22 19:3 30:17 56:16 65:2, 3,13 66:18 67:10, 14 68:8,20 80:13 81:1 86:22 87:19, 21 88:3 116:11,14, 20 117:22 118:3,8, 23 142:11	circumstance 58:10
body 68:3 70:22 71:21 137:14	calling 180:4	caught 43:13	city 5:4,13 6:20 13:7 14:7,24 176:17 177:1
boom 99:20	calls 34:7 41:5 59:19,20 60:22 71:14 79:7 180:19	causing 173:16, 22	civilians 106:11
bosses 72:24	cam 20:14 42:14, 15,16,21 50:21 51:1 83:10 93:12 141:9 143:16 147:23 149:4,18	cell 23:20,22	clarifications 155:16
bottom 18:5 140:6 165:3 175:13	camera 20:9 83:14 93:1 146:23 160:9,10 161:7 166:1,4,9 170:18 171:17 174:14 175:6 176:8,16 177:21 180:6,9 181:24 185:22 186:18	certified 4:3	clarified 157:17
bounce 169:13 170:7	cameras 182:13	chain 22:21	clarify 98:24 122:23 147:6 156:9 157:3,19,24
bouncing 169:16	canvass 73:3,4	chairs 82:4	clean 159:3
break 12:2 52:10 101:21,24 116:1 141:12 164:8	canvassing 70:8 80:13,18	chance 114:13 148:11 157:9,13	clear 77:5 166:12
briefly 160:7	captured 83:1 181:20	change 49:18 96:19 132:14 157:10 159:11	clock 54:3
bring 48:12	car 23:13 39:5 44:9 47:3,9 48:4 50:5 57:14 64:10, 19,21,24 65:1 67:10,12 71:13 72:12 74:18 75:8,9 85:14 87:11,12 88:20,24 104:4	changed 132:7,10 167:15	close 59:18,24 69:5
broken 167:19 171:19		chaotic 68:21 73:1 89:8	co-workers 186:7
brought 41:22		Chapter 5:12	code 5:13
Brown 5:3 6:19 11:13 13:13 52:2 55:17 58:6 59:5 61:16 103:12,15 106:23 114:8,15 143:18 148:7,11, 23 150:13 151:8 154:2 156:1 157:11 158:12,22 159:2,16 164:6 176:11 184:10,13 185:19		charges 10:10,14	codified 130:24
Bureau 14:2			coerce 97:2
busy 79:8 186:14			coffee 185:14
			colleague 13:13 51:20 143:18
			colleague's 155:20
			collect 69:21 70:9 73:4 74:4
			collected 181:12
			collecting 70:20 74:2,12

command 22:22	conflict 45:15	31:5,21 39:16	cover 33:14
commander 12:22 13:2,5,6,24 14:9,11,19 23:1,9	confusion 94:20	47:23 48:16,19,20, 23,24 49:2,3,11	covered 51:14
comment 136:1 139:14	connection 150:18	50:1,12 51:5 54:1 56:22,23 58:11,24 59:10 62:18 63:11, 12 64:13 66:20	CPD 17:6 18:22 29:10 53:19 54:4 55:2 81:5 130:16 131:12 132:5,19 133:10 174:9,19 183:12,21 184:3
comments 96:10	consent 11:18	67:11,15,24 70:5,6 75:19 77:3,13,14, 22,23 78:2 80:15 81:3,7 82:22 83:15 88:5,18,23 92:2,6 93:13 95:2,3 100:19 101:17 102:13 103:7,9 104:1 105:11 106:4,8 108:13 113:19 118:24 121:13 123:5 124:2 125:9 128:17,19,22 132:16 133:7 139:20 142:5 143:8,9,13 150:10 151:1,2 152:7,14 155:4 161:22 163:24 164:15,20 166:23 167:10,13 169:3,4,7,22 173:7,11,12 177:18 178:1 181:18 184:16,17 185:9,24	create 65:8
communicate 186:5	constitute 7:23 9:15		creating 180:14
communication 115:5	constitutes 7:16		criminal 8:21 10:10,13,16 16:7 43:8
communications 34:24 41:6	consult 9:4		crowd 66:4 103:17,18,20,21
compare 152:21	contact 12:22		CSR 31:23 32:2,21 115:10,12 117:15 133:17 142:18
complaint 37:2	contacted 13:3		CSRS 117:1
complete 47:16 67:14 74:6 80:13 87:19 88:3 98:9 116:20 118:7	contained 65:13 138:18		cubicles 90:12 91:7
completed 60:14, 16 72:23 87:21 118:5 119:7 174:8	continued 129:11 155:12 156:4		curious 108:23 114:9
completely 7:2	continuously 130:3		current 22:10
completes 118:3	contract 15:19		custom 4:7
completing 61:2 81:1	contradicts 96:14		
completion 68:20 86:22	control 66:4,5,7 67:8 103:17,18,20, 21 105:19,21 184:7		D
computer 68:9 166:7 167:3 180:3 185:6	conversation 75:1 79:5 86:6 87:2,16 103:1 109:4,5,19 111:3 115:14 175:19,23	corresponds 175:6	daily 33:6 38:3 40:3 160:22
concerned 120:13	conversations 33:20,24 60:8,15, 24 62:15,16 70:11 74:14,15 86:9 91:10 100:10 102:16,17,20 114:23 177:6	counsel 9:3,7 12:15 14:22 21:18 26:7,9,10	damage 162:19 163:20,23 164:18
concerns 174:8	Cook 55:21	counsel's 26:8	damaged 165:12 183:21
conducted 5:12	cooperate 6:24	count 62:21 81:15	Daphne 39:21
conducting 10:15,17 15:2 16:6	copy 15:16	County 55:21	dash 42:14,15,16, 21 50:21 51:1 83:10 93:11 141:9 143:16 149:4,17
confidential 4:9	correct 20:5,6,10, 11 26:12 29:2,6	couple 35:19,20 56:24 62:9 103:12 113:24 184:10	data 181:12
confirmed 95:24 96:1 175:3		court 4:3,8,10,15, 21,23	date 4:20 24:22 143:22 162:9
		court-reported 13:10	

dated 17:6,15 18:23 19:11 174:15	detail 63:14 94:15	differently 117:3 156:18	65:5,8,9
David 141:18	detective 19:1,12 30:13 32:1,13 44:24 45:3 51:8 74:21 75:1,7 76:16 77:6,10,19 78:8,16 79:12,19,20,22 84:7 85:3,5,6 86:7 90:11 91:5 92:1,9, 11,15,16,18,22 93:8,9,14,18 94:23 96:3,5,9,13,18,21 97:1,5,10,13 99:15,18,21 111:7, 10,19,22,24 112:9 114:19 115:14 116:18 117:17 118:6,19,22 120:5, 15 121:6,8,10,16, 20 123:20,23 127:4,5,18 128:7, 20 129:2,14,15 130:6,16,21 131:12,17,21 132:1,5,9,19,23 133:10,15,23 134:8,16 135:3,16, 21 136:4,9,10,19, 22 137:3,5,16,21 138:5,9,15 139:8 140:3,16 141:1,18, 23 142:4 143:11 156:15	differing 78:20 99:11	documentation 65:7
day 23:7 25:22,24 37:13 43:6 52:22, 24 59:21,22 62:6 86:24 161:2 170:17 172:9 179:7 180:24	detective's 65:19	differs 61:9	documented 46:16
days 173:14	detectives 80:9 81:12,13,21 82:2 85:9 88:8 90:8,18 113:11 114:20 116:17 117:2,24 118:7 130:1 137:23 139:10	direct 14:4,18 66:23 67:4 122:21 123:8 162:10 164:24 168:2 175:11	documents 30:23 44:20,22
dead 176:22	determination 10:24	directed 145:9	donut 185:18
deal 118:18	determine 136:7	direction 96:23 105:24 108:17 128:4 132:7,10,15 133:12 139:3 159:8,11	Donuts 20:9,14 67:18,23 72:19 80:7 81:2,6,22 82:2 83:1,12,14 84:1 135:11 136:13 147:16,23 171:23 172:7 185:16
dealing 177:20	differ 32:1	disabling 182:21	door 124:10,18 125:5,8 146:17,22 147:13 149:22 150:2 151:22,24
dealt 118:16	differed 32:12,19 78:23	discharge 7:18 8:15 9:17	dora 119:21 133:19 136:6 142:22
decibels 152:21	differences 99:16	disciplinary 8:14	doubt 168:15
decide 104:21		discontinued 4:13	downed 23:14 39:5 170:5
decided 15:5 64:2,15 104:22 105:1		discretion 104:18	drink 52:5
deemed 10:22		discuss 89:1	drive 102:11 103:8
delayed 9:8		discussed 41:7 89:10	driver 88:21 149:24 150:1 169:2
deliberately 9:14		discussion 12:6 23:11 26:22 115:23 126:9 158:23	driver's 76:22 77:1,16,20 108:8 109:10,11 150:2
Department 5:10 7:17 8:7 14:2 22:14 162:8,15,16		dispatcher 105:5, 6,13,16	driving 154:10 155:3,6 168:5,13 170:23
Department's 8:2		dispatchers 106:6	drop 127:2,16,24 133:12 138:12 151:1,7,21 152:1, 6,9
depending 40:5 57:20 58:10 61:11 65:5		distorted 49:22	drove 88:20 101:16 135:1
depends 59:19 60:2,9,17,21 61:4, 8 65:14 118:12 153:9 167:20		district 5:10 22:13 55:2 57:19 58:15 101:13,16,18 102:7,9,15 103:6 119:20 165:22	
Deputy 174:17		document 9:24 10:8 11:10,11 17:5,11,14,21 19:7	
describe 29:20 41:19 46:9,13 99:4			
description 41:24			
designees 14:6			
Desk 179:21,24 180:14			

drum 152:22	encourage 160:2	excerpt 18:22 19:3 115:12	extent 15:23
duly 5:19 6:3	ended 143:4	exchange 34:14 109:5,15 114:21	<hr/> F <hr/>
Dunkin' 20:9,14 67:18,23 72:19 80:7 81:2,6,22 82:2,24 83:11,14 84:1 135:11 136:13 147:15,22 171:22,23 172:7 185:16	enforcement 10:19 16:9	exchanged 34:6	F-a-h-y 55:15
duress 14:16	engage 173:4	exchanges 109:21	facing 137:14 138:3
duties 116:21	engaged 175:15	Excuse 101:20	fact 10:21 14:24
duty 6:24 152:3 160:23 162:18 164:19 167:4 183:14 184:4	ensure 45:14 162:20,23 183:12	execute 11:10	facts 119:21 133:19,23 134:2 136:5 142:22
DVD 20:8 42:9 143:17	enter 90:7	executed 11:11	Fahy 55:13,19
<hr/> E <hr/>	entitled 11:8 16:18 17:5,14	executing 10:8	failed 132:6,20 183:11,17,19,24 184:2
e-mail 34:13 174:21 175:4	equipment 162:19 163:20 164:18	exhibit 5:21 6:9 10:6 11:10 17:4,14 18:1,3,6,9,21 19:3, 10,15 30:17 31:23 32:2,3,20 56:16,17 116:8 119:2,14 142:11 162:2,4,5 165:1 174:4,13,14, 21 175:1,7,8,11	fair 11:20 12:10 21:19 53:14 61:15 68:24 70:2 85:6 108:2 181:15
e-mails 34:7,24	equipped 162:16 165:13	exhibits 16:24 17:3 30:16,23 44:20 115:10 116:6,8 174:3	fairness 182:12
earlier 58:8 154:4 158:15 178:22	error 175:16 176:3	existed 143:1	familiar 28:10 116:24 117:7 119:4 179:21
early 101:9 154:22 166:3	estimate 106:15 109:6 113:6	exit 122:16 124:11 125:7,10,11	family 103:3 117:14
earmuffs 153:5,16	event 31:24 57:15 65:6,15,17 89:11	exited 120:24 122:8 123:10,14, 23 125:3,24 143:8 147:3,7,11 154:6, 12,24	fast 86:13
easier 144:10	events 45:19 63:8 65:7 82:24 124:16, 24 184:3	exiting 122:3 146:11 147:17,20 150:6,8	FBI 27:21,23 28:20,22 29:2,14, 17,21 30:19,22 31:12,16,19,24 32:12,19,24 33:1 47:22 50:18 51:4 53:16 54:16,18 55:9,18 56:8,11
easily 57:21 58:4	eventually 64:9	expecting 52:23	February 17:6,11, 15,21 18:15,18 19:7,19 143:17 162:9
east 137:14	everybody's 68:15,16 73:7 80:23 83:19	experience 153:1, 2	federal 15:18 24:4,8,13 25:8 27:19 28:7,14,18
eat 91:14	everyday 37:15 62:9 167:8	explain 43:15,17 58:14 123:22	
efforts 66:4	evidence 8:13	explanation 172:24 181:19	
embedded 143:22 144:4 145:10 146:7 150:3	exact 124:16	exposure 87:13	
emergency 110:11 160:15 173:5,8,9	EXAMINATION 6:5 52:1 62:1 103:14 114:16 154:1 159:17 184:12		
enclosed 153:17	examined 6:3		
	exception 143:7		
	exceptions 143:10		

29:5 41:15 43:24 55:24 56:3,14,16 Feds 26:24 27:3 43:24 48:12 feel 122:6 157:1 feet 83:20 fell 129:10 130:17 131:13 139:23 155:11 156:4 159:20 female 112:13 figure 112:17 file 143:19,20 147:23 filed 15:9 179:20 files 22:2 filing 180:13 fill 170:6 filled 6:11 finally 49:16 findings 174:11, 23 fine 21:24 23:17 142:20 145:18 159:16 168:20 finish 82:16 107:11 finished 50:11 fire 140:14 firecracker 153:11 firecrackers 153:12 fired 128:24 130:2 139:22 firing 152:5,9 flashers 146:5 flashing 110:10, 14	floor 92:1,3 flow 60:2 focus 150:17 focused 91:13 folks 81:5 91:4 118:11 follow 68:3 71:4, 21 72:3 73:17 162:21 164:2 167:2 follow-up 51:20 57:2 98:21 103:11, 12 104:8 153:19 154:3 184:9,10 Fontaine 21:3,6, 15 33:13,20 35:12, 22 36:3 39:14 64:3,4 67:9,13,21 68:4,8 71:8 74:6 75:9 76:12,21 77:18 78:1,15 79:2,23 84:8 87:14 88:22 93:10 97:18 98:8,11,20 99:4,8 101:15 102:12,15, 21 109:13,19 119:22 128:48 133:19,22 135:11, 18 136:2,4,6,8,14, 22,24 137:3,20 138:8,11,17,22 139:7,15 140:9,20 141:5 142:22 150:8 173:21 175:22 177:12,22 Fontaine's 75:17 99:10 footage 83:14,17 84:2,3 143:21 144:6,7 146:12 176:20 177:8 FOP 85:15 86:3 91:15,21 FOP'S 16:16 forgot 26:7,8 27:1 45:18,20,24	form 6:10 10:5 18:10,11,15,17 22:1 format 144:9 forward 11:15 14:12 found 46:1,2 47:8 64:4,9 85:6 166:20 182:10 frame 114:4,6 Franko 23:2 88:6 179:4 Fraternal 15:8 frequently 59:12 friends 186:6,11 front 43:11 67:17, 22 115:10 116:6 135:10 136:13 160:10 fruits 8:20 frustrated 71:24 72:1 89:22 full 22:9 151:9,11 fully 142:13 functioning 172:18 178:9 180:23 <hr/> G <hr/> Gaffney 37:5,6,17, 24 39:10 90:21 110:24 Garfield 36:8 Garrity 14:21 gave 28:3 29:4 32:23 45:24 47:2 52:20 86:14 98:18 100:7 108:20 128:13 130:1 134:13,20 156:15 general 5:4 6:21	7:1 10:13,22 12:12,19 13:8 14:7 15:10,15,20 16:5 19:10,15,19 21:18 43:14 44:6 51:14 56:17 74:1 75:14 115:11 117:14 119:2,3,4,8,11 163:4 167:15 173:3 General's 10:10 13:22 15:1 generally 43:1,17 78:3 116:10 118:7 169:8,15 170:14 give 16:21 24:3,7, 12 41:24 50:15 74:5 75:24 91:19 97:15 100:7,18,22 120:8 132:12 152:20 167:11 169:19 178:23 180:17 184:22 187:1 giving 14:4 71:8 105:24 112:1 glimpse 80:6,11 good 77:7 83:23 good-bye 14:11 gotcha 69:19 125:14 180:13 government 27:19 28:7 governmental 29:8 GPR 115:11,13 grab 71:16 grand 15:14,16, 21,24 16:11,14 24:2,4,8,13,16 25:8,11,15 26:2,4, 10,19 27:1 28:1,3 29:5,16 31:13,17, 20 33:2,8,21 34:3, 8,22 41:4,7,12,16, 20 42:1,17 43:11
---	---	---	--

44:1,6,19 45:3,7, 11,13,20 46:16 47:2,11,18 48:3, 12,17,21 49:2,5, 11,23 50:17 51:3, 7,12,20,21 52:13 53:7 56:5,9,21 122:2 123:12	23 18:3,8,20 19:9 74:9,10 121:4 122:13 123:4 129:12 130:19 131:1,15 135:14 136:17 139:24 140:23 155:13 156:6 158:7 159:22 162:2 174:1,13	helpful 155:19 hey 76:3 97:24 Hold 49:9 holding 113:15 121:3 122:12 123:4 124:8 158:6 home 100:16 101:14 102:19 103:3,6,8 homicide 118:14 honest 63:1 107:9,24 hospital 71:4,20, 22 hot 53:10 hour 25:19 106:19 hours 21:21,22 54:5,7 113:24 house 35:14 36:2 hunger 114:6 hungry 89:22 90:3 113:22 HX475653 18:24 19:12	important 43:6 impression 98:4, 18 in-car 20:3 160:6, 7,9 162:16,18,22 163:19,21 164:13, 17 165:11 166:1, 21 167:9 168:3 169:5,24 170:14 171:2,6,14,16 172:17 173:3,15, 22 174:11,14,20 175:6 176:4 177:20,24 178:8, 19 179:8 180:6,15, 22 181:7 183:12, 20 184:3,15 in-house 167:22 inaccurate 9:13 157:2 incident 41:20 59:9 118:9 135:10 136:13 152:13 incidents 118:10 included 20:2,8 includes 7:1 including 4:11 8:14 29:10 175:1 incomplete 9:14 incorrect 49:14 126:16 independent 4:3 171:12 indicating 143:22 146:4 individual 93:10 individual's 85:23 individually 75:21 individuals 5:1 65:20,23 69:20 70:10,12 74:12 93:11
granted 14:21 grasped 140:1 great 36:17 39:4 grievance 15:9 ground 129:11 130:18 131:14 139:23 155:12 156:4 159:21 group 37:14 58:13,15,20 62:6 groups 40:5 guess 37:8 41:24 53:13 61:11 76:6 82:3 83:19 84:15 91:23 98:16 104:3, 18 105:18 107:1,6 112:1 113:12 131:6 136:3 153:14 155:10 159:5 169:12 170:11 172:15 guessing 25:20 62:24 84:13,20 106:20 107:2 guide 96:22 gun 153:2,15,17 gunshots 140:13 guy 176:24 guys 39:2 76:3,8 99:21 114:10 124:16,21 164:4 185:17	handed 30:16 handgun 128:24 139:22 handle 165:21,22 handled 60:11 hands 52:21 happen 167:7 happened 45:23 46:20 47:4,10 53:4 56:9 70:15 75:5,24 76:1,2,3 78:4 82:21 89:21 94:2 95:19,22 97:16 98:10 99:20 100:3, 17 108:20,22 122:15 124:9 148:18 172:4 happening 124:19 hard 59:11 headed 64:5 headquarters 54:19,20,23 hear 95:6 98:6 152:8 187:24 heard 46:19 127:1, 9,15,23 138:11 150:24 151:6,20 152:1 182:21,23, 24 183:1,4 187:21 hearing 105:20 106:9 111:2 151:23 heart 168:9	<hr/> I <hr/> IAD 17:3,10,20 18:14 19:6,18,24 20:8,19 143:16 idea 97:14 107:21 173:2 187:18 identification 5:22 162:6 174:5 identified 94:23 identify 5:1 immediately 63:17,18 64:19 147:12 165:10 183:19 immunity 25:10	
<hr/> H <hr/>			
hand 5:18 17:13,			

info 74:12	interacting 161:3	issues 15:6 33:12 171:1	K
inform 105:2 108:11	interaction 115:4	IV 162:11	K-l-i-m-a-s 14:1
informal 76:5	interchangeably 168:23	J	keeping 79:8 157:16
information 4:2 65:13 70:17,20 71:9 73:5,19,21 74:2,5 79:17 82:12 117:12,23 167:5 178:24 180:17 181:13	interested 98:17	Janet 38:22 39:23 90:16	kicked 140:23
initial 70:16 116:14 117:24 118:1	Internal 14:2	Jason 127:1,16,23 137:15	kind 37:14 54:3,8 55:7 60:23 61:12 63:16 93:16,24 95:9 98:9 104:4 126:17 154:8 158:2 161:2 185:20
initially 48:23 144:8	interpret 12:19 67:13	Jen 13:12	Klimas 12:22 13:2,5,6,24 14:1, 19
injunction 15:11 16:17	interrogation 15:11	Jennifer 5:5	knew 179:12,13, 16
inoperable 165:12,13 166:22 183:21	intersection 36:9	Jersey 14:21	knife 121:3 122:12 123:4 124:8 127:2, 24 129:12 130:19 131:1,15 133:12 134:5 135:14 136:16 138:13 140:1,23 151:1,7, 21 152:1,6,9 155:13 156:5 158:6 159:22
inside 49:5 71:8 76:16 81:6,22 124:2 126:22	interview 4:5,8,17 5:15 6:22 8:12,20 9:4,7 13:10,16 15:4 17:5,7 18:6 19:13,23 20:15,18, 22 21:7,14,20,22 29:13 30:24 42:10 43:23,24 50:22 79:18 130:16 131:12,21 132:5, 19 133:10	job 14:18 54:4 60:17,18,21,22 61:9 66:16 68:13 73:6 86:14 117:7, 20 118:13 154:18	Kris 6:19 13:13 103:10 143:18 153:19 184:9
insignificant 45:18	interviewed 6:19 37:1 92:5	jobs 59:7	Kristopher 5:3
inspect 161:6 162:18 163:19,21 164:17	investigating 80:22	joint 10:17	L
Inspector 5:4 6:20,24 10:9,12,22 12:12,18 13:8,22 14:6 15:1,10,15 16:4	investigation 5:12 6:23 10:16, 18,20,23 15:2,7,9 16:6,7,10	Jonathan 174:22	Lance 174:8,22 175:15
instance 105:10	Investigator 15:20	Joseph 128:5 137:15	laptop 82:5,7,8,9 143:20
instances 183:2	investigators 15:18	Jury 15:14,16,22, 24 16:12,14 24:2, 4,8,13,16 25:8,11, 15 26:2,4,10,19 27:1 28:1,3 29:5, 16 31:14,17,20 33:2,8,21 34:3,8, 22 41:5,8,12,16,20 42:1,17 43:11 44:1,6,19 45:3,7, 11,13,20 46:16 47:3,11,18 48:3, 12,17,21 49:2,5, 12,24 50:17 51:3, 7,12,20,21 52:14 53:8 56:5,9,21 122:2 123:12	Laquan 11:22 12:13,21 13:1,15, 20 29:9,14 31:4 41:13,17 42:6 63:10 69:22 121:2 122:10,17 123:2
instantaneous 124:9	investigatory 29:9	justified 30:10 44:15	
instruct 105:21 106:10	invoking 14:20		
intentionally 173:14,21 182:21	involved 89:3		
interact 160:21	IPRA 91:20 92:5 100:18		
	irritate 52:8		
	issue 21:14 148:15 162:9		

126:21 132:6 135:12 136:15 154:14 155:2 158:5	lives 36:4	129:5,18 130:9,15 131:11,20 132:4, 18 133:9 134:4,12 135:6,21,24 136:8, 22 137:3,8,10,11 138:22,24 140:9, 12,20 141:5 155:1 156:21	86:7 92:19 94:24 96:3 106:15 107:6 108:7,11,14 109:12 110:3 111:21 112:9 113:16 120:16 121:7,17,20 123:20,23 127:4, 18 128:7,20 129:2, 14,15 130:6,16,21 131:12,17,21 132:1,5,9,19,23 133:10,15,23 134:8,16 135:3,16, 21 136:4,9,10,19, 22 137:3,16,21 138:5,9,15 139:8 140:3,16 141:1,18, 23 142:4 143:12
large 59:20	located 4:21 48:9 54:19	main 116:19	March's 19:12 115:14
lasted 21:14	location 53:24 54:13 55:2 59:15 72:17	majority 182:15	mark 16:24 162:3
late 100:16	log 161:9 167:3 179:19 181:9 184:21 185:4,5,11 186:22 187:8	make 14:13 45:14 48:10 49:8 77:4 80:21 84:21 95:8 96:10 120:15 121:6 127:3,19 128:6 129:1,13,14 130:5 134:7,15 135:2,15,23 136:10,18 137:16 138:4,14 140:2,5, 15,24 144:10 145:21 155:16 158:16,20 159:24 160:2 161:7	marked 5:22 6:8 10:5 11:10 17:4,14 18:9,21 19:10 162:6 174:2,5
law 10:19 16:8	logged 186:21 187:1,8,13	makes 174:18	mars 160:14,16
learn 79:11,13 182:3	logging 180:2	making 8:3,5 14:23 15:1 61:13 71:14 94:5,17 99:1 137:21 138:8 139:7 154:19 159:5	material 132:4,18 141:20
leave 60:11 66:24 88:10 101:1 104:21 106:11	long 9:7 21:11,14 25:2,14 28:2,4 35:15 53:2 68:1 69:17 71:1 72:8 88:14 98:15 106:14 107:7,10 109:6,18 169:23	man 134:5	materials 19:23 20:2,18,19,20 45:6
leaving 102:6 104:14 161:6 171:22	longer 130:4 143:5	male 112:12,14 121:1 122:10 123:1 135:12 136:14 154:13 155:1,7 158:4	matter 4:1 16:23
left 69:24 84:11 100:3 101:7,12 170:21	looked 78:11 94:11 159:10	manner 53:4	Mcdonald 11:22 12:13 13:1,15,20 24:5,8,13 29:10,15 31:4 33:4,10,22 34:1,15 41:13,17 42:6 47:19 48:4 49:15 59:9 63:10 69:6,11,22 78:10 84:4 97:7 102:16, 22 114:20 115:5 121:2 122:11,17 123:2 124:8 126:22 127:2,16, 24 128:3 129:10 130:3,17 131:13, 22 132:6,10,14,21
legal 9:3,6	lose 14:18	manpower 58:20 170:6	
legally 11:8 16:18	lot 85:13 169:14 171:22 185:13	manually 160:19	
let alone 137:10	loud 152:18 153:3, 12,15	March 4:20 18:23 19:1 30:13 32:2,13 44:24 45:3 51:8 74:21 75:1,7 76:16 77:1,6,19 79:15, 20,23 84:7 85:3,6	
Leticia 40:13	lucky 73:14		
Lewin 174:22	lunch 55:5 114:10		
liability 43:8	lunchtime 113:24		
lies 157:6	M		
lieutenant 23:5	made 8:11,19 14:16,17 15:17 16:12 30:13 31:13 37:2 56:10 94:21 96:1,2 104:10 120:2,4,13 121:12, 14,19 123:13,24 124:3,4 126:1,3 127:8,14 128:10		
life 43:6			
lights 110:10,11, 14 145:20 160:15, 16 173:5,8,10			
line-by-line 119:23			
listed 142:8,10 156:3			
listen 97:17			
listening 113:12			
literally 95:8			
live 36:3,8			

133:1,5,11 135:13 136:15 137:13 138:12 139:2,12, 17,23 141:19 148:21 154:14 155:2,8,11 156:3 158:5,9,14,16,18 159:5,20 173:11 181:21 182:8 Mcdonald's 12:21 140:23 Mcelligott 37:22 38:6 39:11 110:24 Mcnaughton 174:18 meaning 127:15 media 143:19,24 145:11 149:15 meet 26:24 27:4,8 meeting 27:6,11, 16,24 28:17 31:12, 16 53:15,18,21,23 54:3,8 55:9,11,18 56:8 member 17:6 57:10 member's 162:21 members 162:15 165:2,10 mention 137:5 mentioned 53:15 57:4 58:8,12,22 66:10 103:17 110:2,23 113:20 122:1 178:22 184:14 187:21 merit 16:17 message 105:14 184:24 185:2 186:13,18,20,24 187:2,6,9 messages 105:17,20 186:23 met 54:15 55:5	method 186:2 middle 13:10 119:14 121:3 122:12 123:3 131:23 138:1 142:18 158:6 midnight 107:23 midnights 58:18, 23 millimeter 153:7 mind 51:16 157:16 minute 12:3 72:14 158:21 minutes 109:8,24 113:7,8 143:20 144:1 145:11 149:16 misconduct 8:13 missed 73:11,14 74:3 missing 165:14 mistaken 38:14 mixed 44:1 modify 97:2 moment 166:13 175:10 Mondragon 38:22 39:8,18,23 90:17 110:23 month 24:23,24 months 25:4 morning 101:10 179:11 mouth 95:15 move 104:4 111:6 129:11 133:5 155:12 156:4 moved 97:18 98:7, 10,13,20 99:3 132:21,24	moving 11:15 14:12 63:4 72:12 130:4 139:24 143:5 multiple 59:22 82:9 112:22 113:2 128:24 139:22 municipal 5:13 9:15 <hr/> N <hr/> named 117:8,18 names 27:5 34:16 70:9 71:9 80:10 81:4,8 82:16 narrative 141:18 nearest 36:9 needed 59:8 75:15 109:22 177:11 179:19 neighborhood 36:6 Neumer 4:1,19,23 5:11 6:6,19 10:12 11:6,19 12:4,7,9, 18 13:6,7 14:5,10 16:4,22 21:17 22:5,6 23:18 27:2 32:6,10 43:2 44:3 46:21 47:23 48:1 51:18 55:15 59:2 61:17 62:2 73:15 76:14 77:7,9 83:8 84:17,21,23 89:16, 23 101:22 102:1,3 103:10 114:17 115:21 116:2,4 121:9 124:22 125:1,19,21 126:7, 10,20 127:12 131:2,5,9 134:21 137:12 138:20 141:8,13,15 142:10,16,23 143:3 145:7 146:2, 6,18 147:1 148:3,9 149:3,8,14 150:11,	15,22 151:15 153:4,19 155:19 158:24 159:18 162:1,7 164:9,11 165:9 168:17 171:11 174:6 176:13 177:2 184:9 news 182:9 night 33:22 34:1, 20 63:11 79:10 84:2 100:11 120:3 121:7 127:5,17 128:7 129:2,14,15 130:6 134:8,16 135:3,16,22 137:17 138:5,15 140:3 141:1 168:13 171:1,7,19 172:18,22 173:17 175:20 176:5 179:7,10,11 non-functioning 181:6 non-operational 173:16,23 179:9 normal 54:4,6 59:6 104:17 113:23 114:10,12 171:8 normalcy 114:2 northbound 135:1 Nos 5:21 174:4 note 16:5 22:1 154:19 165:2,3,8 noted 110:21 136:5 154:7,22 158:15 notes 19:13 79:21 80:1 113:11,18 115:14 175:18 notice 13:16,17 17:7 20:17 183:8 Notification 17:5, 15,17 18:1,6
---	---	--	---

notifications 53:4 notified 45:19 52:13 notify 100:20,21 101:5 165:11 166:8 172:4 183:20 185:22,23 186:3 187:4 number 18:23 19:12 22:9 23:20, 23,24 75:17,18 77:22 78:1 86:21 161:10,12 166:2, 10,11 168:8,10 171:18 numbered 131:5 numbers 69:21 70:9 81:9 161:8 180:11 182:16 <hr/> O <hr/> object 4:15 objecting 14:24 15:4,12 80:17 objections 14:23 obligation 7:8 16:13 43:7 observation 89:15,16 123:14, 24 124:4 126:1,4 155:1 156:21 observations 108:12,24 109:1 observe 122:17, 24 observed 121:1 122:9 123:1 126:19,21 154:13, 15 158:4 obtain 9:6 162:19 occasion 24:17, 19,20 28:23 57:22	occasionally 170:17 occasions 35:24 166:19 170:2 occur 27:24 31:12, 16 occurred 53:9,19, 21,23 57:15 60:8 61:13 96:15 124:6, 12 155:3 occurring 125:4,6 occurs 88:12 October 19:11 22:16,19,22 23:23 35:12,16 36:15 37:7,22 38:9,22 39:21 40:13,17,21 41:1 63:8 84:3 89:4 120:3 121:7 127:5 128:7 129:2, 14,16 130:6,15 131:11,20 132:4, 18 133:9 134:8,17 135:3,16,22 137:17 138:5,15 140:3 141:1,17 161:15,21 163:1, 20 164:22 165:16 166:13,15 168:3 169:3,9,23 170:12, 24 171:7,13 172:22 173:13,20 174:16 175:20,24 176:5 178:12,18 179:7 180:16,22 182:20 183:11,19 184:2 off-site 53:22 offered 16:16 office 5:4 6:20,24 10:9,12,21 12:12, 18 13:7,22 14:6 15:1 16:4 55:20,22 officer 4:14,18 5:6,7,17 6:1,7 7:3, 12,19 8:8,16 10:7, 11,14,24 11:9,12, 17,20,23 12:10,14, 17,19,23 13:11,14, 18,21 14:3,8,13 16:12,20 17:2,8,18 18:12,24 19:2,13, 14 21:3,5,15 22:3, 8,11,15 23:19 26:21 33:13,20 34:7,9 35:12,22 36:3,15,23 37:2,5, 6,17,22 38:5,9,15, 18,22 39:8,10,11, 14,17,21,23 40:10, 13,22 41:1 57:6,8 58:3 59:17,23 60:6,7,14 62:3,15, 16 64:3,4 67:9,13, 21 68:4,7 71:8 74:6 75:9,17 76:2, 11,21 77:18 78:1, 14,15 79:1,23 84:7 87:13 88:21 90:17, 21 93:10 97:18 98:7,11,20 99:3,7, 10 101:15 102:4, 11,15,21 116:5,22 119:19,21 120:23 121:5 122:8 127:1, 15,23 128:5 132:8, 11,20,21,24 133:4, 5,11,13,19,21 134:24 135:11,18 136:1,4,8,14,21,23 137:2,5,20 138:8, 21 139:4,7,12,15, 18 140:9,19,22 141:5,16 142:22, 24 144:17,19 145:8 148:5 149:18 150:5,8,17, 24 151:6,8,20 152:1,8 154:5 158:10 159:23 163:1 173:21 175:15,17,22 177:12,22 183:10 officer-involved 89:4 officers 33:3,9 34:2,14 35:1,4,8 37:9 41:6 45:15	57:2,16,17 58:8,22 59:8,14 61:1 62:19 63:2 65:9,21 67:4 78:13 81:5,12 87:2,7,17 90:23 91:11 100:13 104:20 105:18,21 106:10 110:21 111:1,3 134:3 137:15,24 138:12 158:20 169:13 182:21 186:10 official 6:23 7:24 officials 29:8 OIG 4:12 10:15,17 16:5 20:19 42:9 OIG'S 11:6 20:7 21:21 omission 132:4, 18 omissions 141:21 On-scene 134:23 135:8 one-by-one 134:1 open 76:19 77:2, 21 91:6 110:3,4,6 146:17 185:2 186:17 opened 124:10 125:5,8 143:18 147:12 149:22 150:2 151:22,24 186:17 opening 124:18 127:9 147:22 opens 146:22 operating 112:2 operational 162:13 163:3,8 164:13 opportunity 154:7,23 155:15 156:8 opposed 154:11
--	--	---

--	--	--	--

<p>prior 10:7 11:15 14:12 15:13 18:11 19:4,15 20:14 26:4,10 28:5,13 33:2 34:7 40:20 42:9 45:3,13 47:11,18 56:15 86:6 88:12 89:4 93:15,19 132:8,11, 21 133:1,5 164:18, 22 170:12 171:1 173:14,19 180:16, 21 182:6</p> <p>probable 10:11,14</p> <p>problem 4:18 46:23 148:14 156:10 157:6 170:3</p> <p>problems 180:2</p> <p>procedure 165:21 167:14 172:8 185:10</p> <p>procedures 162:13,22 163:2,3, 8 164:13 167:23</p> <p>proceeding 8:22 11:7 12:17 16:17</p> <p>proceedings 101:24 116:1 141:12 164:8</p> <p>process 81:1 161:14 167:2</p> <p>product 4:10</p> <p>proffer 28:7</p> <p>Progress 19:11, 15,19 56:18 115:11 119:3,5,8, 11</p> <p>prohibits 8:3</p> <p>proper 13:16,17 164:2</p> <p>properly 162:24 178:10 183:13</p> <p>property 4:10</p>	<p>protection 28:8</p> <p>protocol 163:18 164:2 171:9</p> <p>protocols 161:15, 20</p> <p>provide 4:4 15:16 16:13 17:10,20 18:14 19:6,18 26:1 59:8,13 60:6</p> <p>provided 4:11 11:4 13:16 15:14 17:2 19:24 20:8,19 22:2 42:9 44:20,23 50:22 51:1 83:3,10 141:17 143:15,16</p> <p>providing 4:2 70:17</p> <p>public 49:16</p> <p>Pulaski 67:19,20, 23 72:19 121:2 122:11,18 123:3 131:23 134:6 135:1 158:5</p> <p>pull 144:23</p> <p>purpose 97:12 117:22 119:10 160:8</p> <p>pursuant 5:11</p> <p>put 6:8 7:8,11 12:11 16:24 60:18 95:15 104:12,20 112:5 115:10 116:5 151:11 153:5,16</p> <hr/> <p>Q</p> <hr/> <p>quality 94:10</p> <p>question 9:13 18:4 24:11 26:24 32:17 33:7 44:17 47:16 48:13 55:8 59:11 65:12 73:12, 16,23 76:6 89:13, 14 120:12,16,21</p>	<p>121:5,22 123:11 126:12 127:3,11, 22 131:7 135:20 136:11 137:7 150:23 154:3 155:21,22 158:11 159:3,19</p> <p>questioned 15:23</p> <p>questioning 51:19 108:18</p> <p>questions 7:1,8, 11,12 11:21 12:11, 21,24 13:14,19,23 14:5 21:18 25:9, 13,15 29:14,18,23 30:8 31:6,11 32:8, 14 41:12,16 42:18, 20,22 51:10 56:2 57:1 63:19 75:20, 22 77:21 78:7 79:6 93:19 94:3 96:6 97:10 98:22 103:13 112:1,4 119:2 120:1 144:7, 13 184:11</p> <p>quick 32:4 75:4, 14,24 101:21 109:7 113:1,5 172:1 184:23</p> <p>quicker 107:4</p> <p>quickly 61:17 114:18</p> <p>quiet 152:23</p> <hr/> <p>R</p> <hr/> <p>R-i-c-a-r-d-o 5:8 22:12</p> <p>R-u-s-s-e-l-l 5:6</p> <p>radio 59:7 67:9 105:14,15,21 106:3,4,7,10</p> <p>raise 5:18 139:17</p> <p>raised 15:6 139:3, 12</p>	<p>ramp 72:11</p> <p>range 153:2,16,18</p> <p>rapid 140:14 170:4</p> <p>rare 35:23,24</p> <p>reach 184:15,19</p> <p>read 6:12,13,15 7:4,20 8:9,17,23 9:9,18,22 10:1 32:5 120:19 121:23 122:7 126:12,14 131:7 162:13 163:3,8</p> <p>reads 145:11 146:7 149:16</p> <p>real 39:22 75:13, 14</p> <p>realized 48:14 49:17 51:17</p> <p>reason 23:12 55:4 58:19 168:15</p> <p>reasonable 9:5</p> <p>recall 28:5 30:22 32:11 51:6 53:3,18 54:2,13 55:10,19 56:10 78:15,18,20 79:22 82:9,23 84:6,16 85:23 86:20 91:23 92:4, 18 97:5 99:7,10 101:7 102:20 105:20 106:9 108:14 109:10,12, 18 111:2,10,13 112:21 113:10,17 115:7 121:14 125:2 127:7,13,14 137:4,7,9,20 138:8,21 139:7,9 140:8,19 141:4 147:2 153:8 164:21 168:7 175:18,22 179:6, 20 180:13,20</p> <p>receipt 18:10,11, 15,17 21:20,21 22:1</p>
--	---	---	--

receive 11:17,18 59:7,12 185:3 186:18,23 187:9	referring 148:5 168:23 172:6,11 175:5,9	remember 23:3,4, 8 24:22,23,24 25:12 26:13,16 27:5,7,10,11,14 28:4,15,16,24 29:22 30:14 31:10 32:7,15,22 34:19 41:21 42:2,11,22 43:10,16 44:13 47:5 50:4,5 51:9, 11 53:5,8,10,11 54:17 55:4,14,23 56:12 63:15 66:2, 5,15 68:18 76:9 78:22 85:12 90:3, 16 91:22 94:10 96:12 99:6,9,13 101:10 102:17,18, 24 104:11 105:9 106:12,17,18 108:21 109:14,16 110:5,12,13 112:23 124:15,20 125:17 136:23 137:18,22 138:10 140:11,21 141:7 163:6,12 170:16 171:3 172:14,19 176:16 179:2	115:11 116:11,12, 14,19 117:5,13,22, 24 118:1,20,23 119:3,8,11 142:9, 11 174:7 175:8,12 178:18
received 28:7 53:4	refers 175:1		reported 175:16, 18 179:8
receives 11:1	reflect 4:19		reporter 4:3,10, 15,24
receiving 20:17	reflection 155:10		reporters 4:8,22
recent 45:19	refusal 7:14,16 9:12 12:20		reporting 176:3
recently 167:16 180:7	refuse 7:10 11:21, 24 12:1,11 14:18 25:7		reports 61:14 116:21 117:8 118:4,8 119:5
recipient 187:8	refused 15:10,15		representative 9:3,6 86:3 91:15
recollection 16:2 28:19 30:2 63:21 76:15 97:2 99:11 161:19 170:22 171:5,13 172:16 176:2	refusing 13:19		representatives 28:6 85:16
record 4:8,19 5:2 12:4,6,8 17:1 23:11 26:22 101:23 102:2,5 115:19,22,23 116:3 122:7 126:5, 8,9,11,14 141:10, 14 158:23 159:1 163:15 164:7,10 166:5 176:12,14 181:5 184:2	register 180:5,12		represented 168:12
recorded 143:23	registered 180:11		request 4:12 104:10 134:4
recorder 162:20 165:14	regular 39:14 52:22		requested 15:13
recording 4:9,12, 16 160:12,13 173:5	regularly 62:14,16		requester 174:17
records 160:9 168:18 181:16	regulations 7:17 8:3		require 11:16 61:6
recount 107:6	relate 164:13		required 60:13
recover 81:24	related 13:19 119:20 133:18,22 134:1 136:5		requirement 165:15
recovered 172:22 182:3,7,11	relation 46:20 56:8		reside 36:7
refer 65:18	relationship 35:7, 11 36:14,19 37:6, 16,21 38:8,21 39:20 40:12,24		respect 10:19 16:9 22:7 27:3 46:10,13 119:13 120:1 136:11 144:13 152:17 159:19 170:23 171:5,14 172:3,7 174:23 175:17 180:14
reference 88:11 174:18	relationships 57:1	remembers 171:9	responded 134:4
	relay 166:10	remote 162:19 165:14	response 72:4 108:15,17,20 109:1 155:20
	relayed 142:21	removal 8:14	
	released 49:16	rep 91:21	
	relevant 10:23 144:14	repeat 24:10 31:15 41:14	
	relief 169:13	repeatedly 127:1, 16,24 138:12 150:24 151:6,21	
	remain 7:7 11:2,5	report 7:24 8:3,5 18:22 19:4,11,15, 19 30:18 56:17,18 64:22 65:2,3,13, 18,22 66:1,19 67:10,14 68:8,20 72:3,6,23 74:6 79:7 80:13 81:2 85:22 86:15,22 87:11,20,21 88:3	

170:4 183:15,22 184:5 responses 7:23 restate 127:11 restaurant 135:11 136:14 result 8:6 Retrieval 174:15 175:6 retrieve 176:17,20 177:7 179:13 retrieving 177:16 returned 72:7 review 9:23 19:23 20:12,18 45:2,6 47:12,15,19 115:17,18 116:8 124:5 155:10 157:1,9 reviewed 31:23 79:18 reviewing 21:1 82:14 107:15 126:16 Ricardo 5:7,16 6:1,18 13:11 14:3 22:11 119:18 ride 88:24 Ridge 36:8 rights 6:10,17 9:22 10:5 11:1 15:19 25:6 ring 168:10 Road 54:16 121:3 122:11,18 123:3 131:23 134:6 158:6 Robert 14:1 20:3, 4,13 22:17 23:12, 15 50:21 51:1 64:11 67:22 70:15 71:5 77:11,15 83:10 93:11 125:3	128:16 135:8 141:9 143:16 144:23 146:12 147:3 149:4 168:4, 7,24 169:3 170:3 171:6 173:15 175:14 176:4 179:3,9 180:5,15 Robert's 92:24 102:10 129:7,20 130:11 134:23 173:9 role 61:4,11 roll 52:15,20 roof 173:9 room 90:11 91:5 92:1 93:2,15 98:15 100:4 111:8 112:6 113:1,11 rooms 92:9 Roosevelt 54:16 rule 8:1 185:10 rules 7:16 8:2 run 146:9,13 Russell 5:5-10:7, 21 11:9,15 12:2 13:12 14:12 16:20 21:24 23:17 32:3 42:24 43:13 46:15 47:21 55:16 57:23 58:2 73:13 76:7 77:4 83:5 84:15,20 89:12,18 101:21 106:22 114:3 115:19 121:8 124:15,23 125:15, 20 126:5 127:11 130:23 131:3,7 134:18 137:9 138:17 142:6,13, 21,24 146:4 152:20 157:5 158:11,21 161:23 164:4 165:7 168:12,15 171:8 176:9 185:16	S S03-05 162:9 safe 109:23 scene 33:4,10 34:3 35:1,8 45:16 50:10 57:21 65:10, 21,24 66:22,24 67:3,5 68:19,24 69:12,20,23 70:8, 10 71:16 72:9,16, 21 73:4,8,18,24 74:13,16,21 75:2 77:12 78:24 79:24 80:4,24 84:2 85:10,16 86:7,17 87:3,8,17 88:11 89:8 90:24 91:12 92:12,15 93:17 94:1,19,22 95:7,10 96:2,16 99:4 100:14 103:16 104:14,19 106:11, 15 107:11 110:4,9 120:24 121:18 122:9 123:17 124:4,7 126:3,23 127:20 128:12,15 129:7,20 130:11 135:10 136:12 144:23 154:10 155:4,7 158:14 174:10,20,24 176:16 177:4 181:21 182:4 scheduling 21:2 33:11 scratch 74:8 seat 76:22,24 77:1,16,19 90:13 128:18 seats 91:5 Sebastian 39:21 40:10 90:17 seconds 72:13 143:21 144:2,5 145:12 149:16	Section 162:11,12 165:1,3 sector 178:15 securely 162:21 security 20:9,14 83:14 84:2 147:16, 23 segregated 87:8 send 167:6 184:23 185:1 186:19,24 187:6 sending 187:12 senior 11:17 sense 95:16 sentence 123:9 separated 87:7 separation 8:6 sequence 124:16, 23 125:17 sergeant 22:24 23:2 52:21,23 68:2 69:15 88:6 105:3 166:11 167:5,8,18, 20 172:4,10 174:8, 22 175:4,14,19,23 177:13 178:15,16 179:2,4,17,18 180:18,21 181:6, 11 184:14,19 185:1,21 186:3,11, 12,17 187:15,16 sergeants 64:21 66:14 71:3 105:23 165:21 166:16 167:21 181:12 series 141:20 serve 7:18 9:16 service 152:19 153:10 set 114:6 141:10 shadow 149:7 sharper 94:12
--	--	--	---

shift 33:14 108:3 113:24 114:11 160:22 166:3 172:2 185:6,12,24 shoot 152:18 shooting 11:22 12:13,21,24 13:15, 20 24:5,9,14 29:10,11,15,19,20, 24 30:2,3,5,10 31:4,24 33:4,10,22 34:1,15 35:2,8 41:13,17,19 42:1,6 44:15 45:16 46:4, 7,10,14,20 47:4,20 48:5,9,23 49:6,14, 16 50:6,10,11 63:14,18,22,23 66:24 67:3,4 68:24 70:5,12 72:9 74:1, 13,15,21 77:12 78:14,16,21 79:1, 2,11,24 80:4,5 84:4 85:11,16 86:8,9,12,17,18 87:3,4,8,17 88:11 89:1,4 90:24 91:11,12 92:12,16, 23 93:19 94:22,23 96:3,16 99:11 100:10,14 102:16, 23 107:12 108:12 114:21,22,23 115:5 118:14,17, 22 121:19 122:4 124:10,12 125:4,5 126:18 127:20 132:22 133:1,6 141:19 144:24 147:4 148:18 150:19 152:12,17 158:19 173:11 174:10,20,24 181:22 182:4,8 short 101:24 116:1 141:12 164:8 shortly 28:1 70:4 shot 63:11 132:8, 11	shots 128:24 139:22 shoulders 83:19 show 30:4,20 42:3 48:13 82:17 112:24 113:2 115:9 141:8 143:14 144:14 150:6 156:13,18 showed 30:22 31:1 42:3,5 48:14 50:18 92:10,17 93:1,9 96:5,9,13, 21 97:6,19 112:4 114:20 147:20 showing 47:7 92:23 93:15,20 97:13 111:11,13 156:11 shown 42:13,16 44:18 47:1 49:1 50:17 51:2,4 95:4, 20 112:20,21 149:17 shows 147:16 149:23 150:8 side 77:20 92:9 93:1 108:8 109:10, 11,12 111:8 112:6 138:2 150:2 sideways 137:14 sign 10:5 18:17 28:13 163:15 signature 17:24 18:5 signed 187:5 signing 28:15 silent 7:7 11:2,5 similar 105:19 155:9 simultaneously 147:8 siren 110:12	sirens 110:10 sit 91:7 sitting 36:18 71:2 82:3 91:4,24 situation 58:7 situations 61:11 167:1 skipped 58:19 slight 159:6 slip 21:10 slow 52:9 slowed 151:10 slowed-down 144:9 small 40:7 58:13 smaller 58:20 socialize 35:22 36:22 38:18 40:9, 21 socializing 37:19 38:5 39:17 41:3 sooner 145:15 sort 28:12 42:20 46:6 68:23 69:21 82:20 94:16 161:14 181:16 sound 70:2 80:21 sounds 185:21 south 36:4 southbound 121:2 122:11,17 123:3 131:22 135:13 136:16 138:3 158:5,15,18 159:5 speak 20:22 21:5 26:5,18,21 28:22 29:7 33:3,9 36:16 61:12 74:20 85:9 86:17 106:6,16 107:7 109:13	181:23 182:18 speaker 13:9 speaking 28:6,13 56:15 75:11 79:23 108:8 speaks 124:13 157:15 Special 162:3,9, 11 specific 29:22 31:10 32:8,15 34:9 35:17 46:19 78:7 106:17 specifically 22:23 43:16 82:17 103:23 104:15 146:10 171:10 specifics 21:16 41:23 43:14 50:4,7 speculation 43:4 speed 151:9,12 spell 5:2 spoke 20:23 21:9 26:10 28:20 29:1 31:19 33:13 85:18 86:23 91:17 92:12 109:9 110:3 111:7 113:16 squad 169:24 stamp 144:4 149:4 150:3 stamped 144:3 stamps 160:14 stand 16:2 46:15 130:20 131:16,24 133:14 141:22 142:3,8 143:11 standing 138:1 star 5:9 22:9,12 68:16 69:21 70:9 75:4,17,18 77:22 78:1 81:9 86:21
--	--	---	--

stars 73:14 75:23 82:16	15,21,23,24 136:12,18,22 137:3,8,10,11,13, 16,21,24 138:4,9, 11,14,22,23 139:2, 6,8,11,21 140:2,5, 6,10,12,13,15,17, 18,20,22,24 141:3, 6 151:5 153:14 154:4,20 155:11, 16 156:2,9,15,22 157:2,14,17,19 158:3 159:20,24 160:3	straight 48:10,17 49:10 99:22 101:13	186:8
start 17:3 107:11 145:2 161:1 164:18 172:2 185:5,12	statements 7:23 16:12,13 30:13 32:13,23 51:8,10 91:19 94:5,16,21 95:9 96:1,2 99:1 100:7,22 101:6 119:15 133:21 136:3,7 141:20,23 142:4,6,8,10 143:11	street 66:18 67:18 78:10 104:24 105:2 121:3 122:12 123:4 131:23 134:6 135:13 136:16 138:1 146:5 155:3, 8 158:6 179:1,5	supplement 65:19 117:6,10
start-up 162:22	states 6:17	streets 66:12	supplemental 117:12 118:19
started 64:1 71:23 72:12 78:14 97:14, 15,23 107:12 124:10 151:23 152:9 161:17	stating 139:9 152:3 154:12	stress 33:17	Supplementary 18:22 19:4 30:17 56:17 116:11,21 117:22 118:3,8,23 142:11 174:7 175:8,11
starting 52:7	stay 72:5 104:23 169:15	stresses 107:17	support 16:16 57:16,18
starts 108:3 119:18 160:11,17	stayed 63:23 74:17	strike 187:19	supposed 173:4 178:8,13 185:4,11
state 22:9 132:6, 20	step 176:9	strikes 98:16	supposedly 97:7
State's 55:22	step-by-step 63:17	stuck 112:7	surprise 182:10
stated 56:20 94:1 99:13 119:19 130:17 131:13,22 133:11 150:23 154:23 156:18 159:11 164:16 168:21	stepped 177:13, 22	stuff 103:3 107:6	surprising 182:2
statement 8:11,19 9:14,21 11:16 12:20 14:14,15 15:17 16:21 19:1 26:2 29:5 30:18,20 31:13 32:1,12,19, 20 44:23 45:2 96:19,22 98:18 100:18 115:12 119:24 120:1,2,4, 6,13,15,17,20,22 121:6,12,15,19,22 122:6 123:6,13,19 125:23 126:2,24 127:4,8,14,19,23 128:3,6,11,23 129:1,6,8,10,13, 15,19,21 130:1,2, 5,10,12,15,21,24 131:11,17,20 132:1,12 133:9,15 134:3,7,12,14,16, 20,24 135:2,7,9,	steps 171:14	subject 43:8 121:1 122:10 123:2 135:12 136:15 154:13 155:2 158:4	swinging 78:11
	stood 51:16	subsequently 175:3	switched 23:15
	stop 144:22 145:9 146:2 148:7	substance 43:18	sworn 5:19 6:3 15:13
	stopped 139:23	substantive 33:19 70:11 74:14 86:8 87:1 100:9 114:22	system 160:6,8,21 162:17,18,23 163:19,22 164:14, 17 165:12 166:21 167:9 168:4 169:6 170:1 171:2,6,15 172:17 173:3,16, 22 174:21 176:4, 23 177:24 178:8, 19 179:8 180:15, 23 181:7 182:22 183:12,20 184:4, 16 185:2 186:17, 19
	stories 99:16	substantively 85:10 86:18	systems 20:3 170:15 174:11 186:21
	story 45:14 98:10 99:22	sufficient 116:7 151:19	T
		Suite 4:22	tables 82:4
		summoned 24:3	taking 21:23 80:1
		summons 52:16, 20	
		superior 7:12 11:23 12:14,16	
		supervisor 165:11 166:2,9 178:13,17 183:20	

177:17,19	testimony 15:13, 14,17,22,24 16:1 24:3,7,12 26:4,6, 11,19 28:1,3 31:20,22,24 33:2, 8,21 34:4,8,23 41:8 43:18 45:4,7, 11,13,17,21 46:16 47:2,12,18 51:12, 21 56:22 122:2 123:12	49:13,18,21 51:18 66:21 67:2 69:17 72:12 74:20 75:12 77:24 79:4 80:3 86:11,16 87:10 88:10,13,24 95:20 101:6,10,22 102:1 106:1,13 107:3,13 110:16,22 112:21, 24 113:4 114:4,6, 7,10,12 115:3,6,8, 16,18,21 116:2,7 118:17 120:14 124:19 126:7,10, 18 128:23 139:21 141:8,10,13 143:14,23 144:1,3, 4,12 145:11 149:4, 15 150:3,16 151:4, 20 155:23 157:1,7, 10 158:24 161:2 163:5 164:6,9 165:11 167:19 169:9,17 170:10 172:12 173:13,19 176:11,13 179:6 180:16,21 181:1,3 182:14 184:18	today 4:4 5:11 11:7 14:5 16:18 18:12 19:4,16 22:4 48:7 123:12 142:7 182:6 today's 4:19 19:23 20:15,22 21:20 42:9 50:22 79:18 told 43:9 64:21 68:2 72:5 87:22 88:7 91:19,21 92:4 98:12 99:8 100:20 101:2,3 108:6,15, 23 111:16,23 113:13 123:20,22 127:18 136:24 137:22 138:10 142:6 163:5 181:6 tongue 26:15 top 6:11 topics 44:7,10 51:14 totally 49:18 touch 44:10 tour 160:23 162:17 164:19 166:20 167:4 183:14 184:4 traffic 64:17 66:5, 7 67:8 104:4,19 105:20,22 trained 162:23 163:7,12 training 163:10,14 transcribing 4:16 transcript 4:4,7 21:20 transmitter/audio 162:20 165:14 traumatic 89:11 travel 59:15 traveling 72:7 152:11
talk 24:1 28:17 37:8 38:23 40:7 45:10 63:7 66:3 69:20 76:17 79:1 85:15 89:20 91:15 97:15 170:11 talked 35:3 62:12 68:18 75:6 86:3 89:13 122:3 125:17 187:14 talking 34:21 35:4 73:18 122:2 142:18 154:15 159:7 164:12 165:5 166:13 179:10 talks 77:2 tall 112:15 tamper 173:15 tampered 173:21 187:22 tech 176:17,24 177:14,17 telephone 11:18 12:23 13:4 telling 96:15 105:12 156:17 172:9 180:21 187:2 tells 71:3 72:1 88:3 ten 81:17,18,19 113:7,8 Teresa 4:24 term 28:10 80:20 117:16,17 179:21 testified 6:3 31:17 41:11,15 47:21 48:3 49:23 114:3 142:14 testify 25:7,11 testifying 42:17 44:6	text 34:13 186:13 texts 34:7,19,24 41:5 thanking 73:13 thereof 8:21 thing 31:1 39:22 45:22 47:5 51:15 69:22 77:5 89:19 99:17 104:17 108:16 112:3 113:20 133:24 things 60:3,4 89:8 95:7 161:4 thinking 56:6 thought 27:23 30:9 44:14 48:6,15 49:13 78:9 89:9 95:22,24 107:7 156:14,19 157:10, 20,22 160:17 172:8 thoughts 49:10 throat 52:7 thrown 39:5 thumbs 167:11,12 ticket 161:8 166:2, 10 171:17 179:22, 24 180:11,14 182:16 time 4:20 6:7 9:5 10:4 12:5,7 14:17 16:2 25:16 29:1,4 35:10 39:12 44:12 46:4,7 47:1 48:9	timeline 50:8 times 59:16,22 60:10 61:5 62:9 106:18 111:1 112:22,23 113:3 114:4 144:15 168:22 timestamp 143:22 145:10 146:7 timing 46:23 48:15 49:7,12,17, 21 51:16 69:10,14 97:21 122:19,20 124:23 126:15,17 148:15,17 tip 26:15 tired 100:15 102:18 titled 143:19 162:12	

trip 102:14	118:2 160:13	149:17,18 150:6,9,	112:2,4,20,22
true 39:10	176:19,21	18 154:7,12,24	114:20 115:1
truth 43:7	unduly 9:7	160:6,11,15 161:5,	124:6,13,17
truthful 16:1	unfamiliar 152:18	6 162:16 165:13,	125:12,16 126:16
46:16	union 9:3,6	24 166:7,21 167:9	141:9,10 143:15,
truthfully 7:2,9	unit 22:10,16 75:4	168:4,8,13,19,24	16,19,21,23,24
ts.ifo 143:19	90:9,11	169:3,5,8,16	144:3,8,12,18,20
turn 51:19 78:13	untruths 43:9	170:4,9,23 171:7,	145:2,4,10,23
100:7 158:9,16,20	upside 183:3	21,22 172:18,22	146:9,13,14,19,20
159:4,6 160:14,16,	upsidedown	173:9,22 175:2,5,	147:5,16,20 148:1,
18,19 185:23	187:23	9,14 176:4,18	4,6,10 149:1,4,12,
turned 64:20 72:6	upstairs 90:8	177:8,10,13 178:9,	23 150:6,12,14,16,
97:7 128:4 133:13		18 179:9 180:22	20 151:3,13,16
159:8,9 186:22	V	181:24 183:12,21	152:16 154:8,23
187:23		184:3	155:15,20 156:8,
turning 161:3	V-i-r-a-m-o-n-t-e-	vehicle's 168:8	11,12,16,17 157:1,
171:18 183:1,3	s 5:9 22:12	171:2 173:15	9,13,15,23 160:6,7
type 59:12 60:17	vacation 63:4	180:15	162:17,18,22
65:6 118:9,13	Vandyke 34:7,9	vehicles 169:14,	163:19,21 164:14,
153:10 155:9	35:3 36:15,23 37:3	16,21 170:13	17 165:12 166:21
types 118:10	57:4,6,8,17,24	174:9,12,19,24	167:9 168:4 169:5
typical 60:23	62:3,17 78:14	181:21,23 182:4,8,	170:1,14 171:2,6,
110:15	86:17 127:1,16,23	14,16,22	14 172:17,21
typically 184:14	128:5,24 130:2	Velez 40:13,22	173:3,5,16,22
typing 71:14	132:8,11,21,24	59:2	174:11,14,20
typo 175:4	133:5,13 137:15	verbal 128:4	175:6 176:4,18
	139:4,5,13,18,19,	133:12 139:3	177:16,21,24
	22 151:1,6,20	verbatim 4:4	178:8,19 179:8
	152:1,8 158:10	version 78:21	180:15,23 181:7,
U	Vandyke's 133:12	versus 43:14	24 182:19 183:12,
U.S. 27:22 55:20	vehicle 20:4 48:22	VI 162:12 165:3	20 184:3,4,8,16
uh-huh 36:13	49:6 50:5,9 63:24	VI6 165:1	185:22
80:14 95:1,5 122:5	64:5,11 67:22	video 20:2,3,7,8,	videos 20:12 42:8,
123:21	68:6,10,11 71:5,8	13,14 30:4 31:2,3,	14 46:24 47:8,12,
ultimate 150:19	73:18 76:16 77:11,	7 42:3,4,5,15,16,	13,15,19
understand 6:18,	15 102:10 103:8	18,21 43:20 44:21	view 147:9 154:8,
22 7:6,7,10,13,22	108:7 113:17	48:13 49:1,4,15	23 155:15,19
8:1,4,11,19 9:2,12	120:24 122:3,9,16	50:2,16,17,21,24	156:8 157:13
14:8 89:7 95:17	123:10,15,24	51:1,2,3 80:4	viewing 97:9
107:18 118:18	124:3,11 125:4,8,	81:24 82:13,18,24	102:22 149:3
126:17 187:7	10,11 126:1,22	83:10 92:10,17,23	violation 7:16
understanding	127:9 128:16	93:1,4,12,15,20,22	9:15 15:18
48:8 61:13 117:21	138:2 143:2,8	94:6,9,10,12,17	Viramontes 4:14,
	144:22,23 146:12	95:4,9 96:1,6,7,10,	18 5:7,8,16,17 6:1,
	147:3,8,12,17,20	14,22 97:6,9,13,20	7,18 7:3,19 8:8,16
		100:11 102:22	10:8,11,14,24
		111:11,14,16	11:9,12,20 12:10,
			23 13:11,14,18,21
			14:3,8,9,11,13
			16:12,20 17:2,8,18

18:12 19:2,13,14 22:3,8,11,15 23:19 76:2 102:4 116:5 119:18,20 120:23 121:6 122:8 126:24 134:24 141:16 143:1 144:17,19 145:9, 13 148:5 149:19 150:5,17 151:9 154:6 159:23 163:1 183:10	104:7,22 154:8 155:10 156:7 158:8 187:15	wondering 32:18 60:12 71:15 155:14 157:18 158:17	<hr/> Z <hr/>
Viramontes' 12:20 18:24	warm 53:12	word 80:18 116:13	zone 105:5
visually 162:18 163:19 164:17	warped 107:14	words 76:5 95:15 187:3	zoomed 47:1
VLC 143:19,24	watch 22:18,20 23:1 38:13 40:7,19 57:10,11 58:13,16, 23 59:4 62:20,22 144:5,8,17 145:16, 22 150:16 151:3 178:2 181:10,11	work 4:10 22:7 35:22 36:23 37:12, 17 38:3,15,24 39:1,3,18 40:4,10, 17 41:3 52:22 53:19,20 58:16,21 62:4,17 116:17 118:13 182:13 184:22	
Volpentesta 4:24	watched 49:6 82:24 94:9 100:11	worked 36:20 39:12 41:2 57:5,8, 13,19,24 58:9 169:24	
volume 59:20	watching 93:22 94:1,8	working 10:18 16:8 23:7 54:4,7 57:20 161:7,9 162:24 166:1,4,9 172:13 178:19 179:14 180:18 181:3,14 182:1 183:13 184:8,16 185:23	
voluntarily 14:16 184:23	water 52:5 101:20	Worksheet 174:15 175:7	
<hr/> W <hr/>	ways 32:11	written 8:4,5 26:1 74:7 175:15	
wait 167:4 178:23	weapon 130:3 152:3,5,19 153:10	wrong 46:24 104:2 120:14 164:16	
waiting 74:18 82:15 90:5,6,10 91:18 100:6	wearing 53:12	<hr/> Y <hr/>	
walk 44:4 63:13,20 70:24 95:14 164:5	week 62:9,11 169:20	years 35:18,19,20 170:12	
walking 64:1 68:23 69:4,12 78:10 87:12 121:2 122:11,17 123:2 131:22 132:7,11 135:13 136:15 137:13 154:16 155:8 158:5,15,18 159:5	weekly 40:3 62:4	yell 127:10	
Walsh 41:1 128:5 132:20,24 133:4, 13 137:15 140:22 158:10	weeks 173:14	yesterday 21:10	
wanted 52:12 53:9 57:4 58:13 100:15 102:19 103:3	Wentworth 88:17		
	West 4:22		
	whichever 111:24		
	window 76:10 77:2,20 78:17 79:12,20 108:9 109:11,13 110:3 128:21 145:11 149:15		
	windows 76:19 110:4,5,15		
	witnessed 48:4 79:3 89:11 97:3 122:4 183:5		
	witnesses 66:23 67:4		
	witnessing 30:2		

CITY OF CHICAGO
OFFICE OF INSPECTOR GENERAL

ADVISEMENT OF RIGHTS

I, Ricardo Viramantes, understand that I am being interviewed by
Peter Neumer and Kris Brown from the City of
Chicago Office of Inspector General.

DATE 3/18/16 TIME 10:10pm LOCATION 300 W. Adams, Ste 800 Chicago, IL

I understand that this interview is part of an official investigation and that I have a duty to cooperate with the Office of Inspector General, which includes answering all questions completely and truthfully.

I understand that I have no right to remain silent. I understand that I have an obligation to answer questions put to me truthfully. I understand that if I refuse to answer questions put to me, I will be ordered by a superior officer to answer the questions. I further understand and I have been advised that if I persist in my refusal to answer after an order to do so, such further refusal constitutes a violation of the Rules and Regulations of the Chicago Police Department and may serve as the basis for my discharge.

I understand and have been advised that my statements or responses may constitute an official police report. I understand that Rule 14 of the Chicago Police Department's Rules and Regulations prohibits making a false report, written or oral, and I further understand that making such a false report, whether written or oral, may result in my separation from the Chicago Police Department.

I understand that any statement made by me during this interview may be used as evidence of misconduct or as the basis for disciplinary action up to and including removal or discharge.


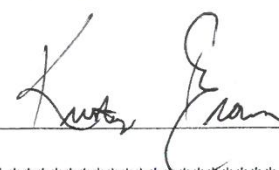
I understand that any statement made by me during this interview and the fruits thereof cannot be used against me in a criminal proceeding.

I understand that I have the right to have a union representative, or legal counsel of my choosing, present at the interview to consult with, and that I will be given a reasonable time to obtain a union representative or legal counsel as long as the interview is not unduly delayed.

I understand that a refusal to answer any question, or any false, inaccurate, or deliberately incomplete statement by me would constitute a violation of Chicago Municipal Ordinance 2-56, and may serve as the basis for my discharge.

I acknowledge that this statement of my administrative rights has been read aloud to me, and I have been allowed to review this document.


Employee Signature

Witness:  Witness: 

WAIVER

Understanding these rights, I wish to answer questions from investigators from the Office of Inspector General without having a union representative or legal counsel present. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Employee Signature: _____



NOTIFICATION OF INTERVIEW TO CPD MEMBER			DATE
CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL			February 19, 2016
NAME	RANK	STAR NO.	UNIT OF ASSIGNMENT
Ricardo Viramontes	Police Officer	10590	008

YOUR APPEARANCE IS REQUIRED

AT <input checked="" type="checkbox"/>	Amicus Court Reporters 300 West Adams, Ste 800 Chicago, IL 60606	ON	DATE February 25, 2016	TIME 9:00 PM
--	--	----	---------------------------	-----------------

AS ☒ ACCUSED ☐ WITNESS ☐ COMPLAINANT

FOR ☒ A STATEMENT

CONCERNING

False statements made in connection with the October 20, 2014 shooting of Laquan McDonald; the operation of the Chicago Police Department's in-car video system.

YOU ARE TO REPORT TO:

LEAD INVESTIGATOR	TITLE	PHONE NO.	EMAIL
Kristopher Brown	Investigator III	773-478-0221	kbrown@chicagoinspectorgeneral.org

NOTE: You MUST notify the Lead Investigator of your inability to keep this scheduled appointment.

ALSO PRESENT AT THE INTERVIEW WILL BE:

NAME	TITLE	NAME	TITLE
Peter Neumer	Assistant Inspector General	N/A	N/A

THE INTERVIEW WILL BE ☐ AUDIO RECORDED ☒ TRANSCRIBED BY A LIVE REPORTER

TO BE COMPLETED BY INTERVIEWEE (if applicable)

ACKNOWLEDGEMENT

Please contact Investigator Brown at (773) 478-0221 to confirm receipt of Notification of Interview and to confirm your attendance at the interview.

I hereby acknowledge receipt of this Notification of Interview.

SIGNATURE

Ricardo Viramontes

DATE

19 FEB 16

PRINTED NAME

RICARDO VIRAMONTES

TIME

2253



TO BE COMPLETED BY OFFICE OF INSPECTOR GENERAL OR CPD COMPONENT PROVIDING NOTIFICATION TO INTERVIEWEE

NOTIFICATION MADE TO:

P.D. Viramontes

TITLE, RANK, & UNIT

P.D. Ricardo Viramontes

DATE

19 FEB 2016

TIME

2253 HRS.

NOTIFICATION MADE BY:

Sgt. Terrence Cannon

TITLE, RANK, & UNIT

[Signature]

DATE

19 FEB 2016

TIME

2253 HRS.

NOTIFICATION OF ALLEGATIONS

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

NAME OF ACCUSED	RANK	STAR NO.	UNIT OF ASSIGNMENT
Ricardo Viramontes	Police Officer	10590	008

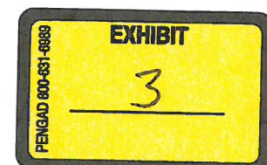
City ordinance, and if applicable, collective bargaining agreements, provide that you are entitled to notice of the nature of the allegations against you and the identity of all complainants prior to any interview. Accordingly, you are advised as follows:

COMPLAINANT(S)

1. John J. Escalante, Interim Superintendent of Chicago Police Department (CPD), sent a letter to the City of Chicago Office of Inspector General (OIG) dated January 13, 2016, requesting that OIG conduct an administrative investigation of the following allegations arising out of the October 20, 2014 shooting death of Laquan McDonald (the McDonald Shooting): "whether any officer(s) made false statement on official reports submitted in connection with the shooting of Laquan McDonald on October 20, 2014; whether any officer(s) obstructed or interfered with the investigation of this incident, either individually or in collusion with others; and whether any officer(s) committed any violation of Chicago Police Department rules, policies, or orders in connection with their response and/or handling of this matter." Escalante attached to the letter a copy of Sergeant S. Soria's (Star # 2275) Initiation Report, which raises similar allegations of misconduct with respect to Department members in connection with the McDonald Shooting, and identified that Report as a basis for OIG's administrative investigation.

ALLEGATION(S)

1. On or about October 20, 2014, you provided a false narrative to Detective David March of the Chicago Police Department (CPD) concerning the McDonald Shooting, through a series of false statements and material omissions.
2. On or about October 20, 2014, you made a false statement during an interview with Detective David March of the Chicago Police Department (CPD) when, with respect to the McDonald Shooting, you stated that McDonald was walking southbound on Pulaski Road, in the middle of the street.
3. On or about October 20, 2014, you made a material omission during an interview with CPD Detective March when, with respect to the McDonald Shooting, you failed to state that McDonald changed the direction in which he was walking prior to being shot by Officer Van Dyke.
4. On or about October 20, 2014, you made a material omission during an interview with CPD Detective March when, with respect to the McDonald Shooting, you failed to state that Officers Van Dyke and Walsh moved towards McDonald prior to the shooting.
5. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that McDonald ignored Officer Van Dyke's verbal direction to "Drop the knife!" and turned toward Van Dyke and Officer Walsh.



6. On or about October 20, 2014, you made a false statement during an interview with CPD Detective March when, with respect to the McDonald Shooting, you stated that after McDonald fell to the ground, he attempted to get back up with the knife still in his hand.
7. On or about October 20, 2014, you failed to ensure the in-car video system for CPD vehicle 8948 was working properly at the beginning of your tour of duty.
8. On or about October 20, 2014, you failed to immediately notify a supervisor that the in-car video system for CPD vehicle 8948 was inoperable or damaged.
9. On or about October 20, 2014, you failed to audibly record events with CPD vehicle 8948's in-car video system during your tour of duty.

ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the identity of the complainant(s) and notice of the nature of the allegation(s) against me.

Signature

Ricardo Viramontes

Date

19 FEB 16

Printed Name

RICARDO VIRAMONTES

Time

2257

WITNESSES

[Signature] 894

19 Feb 2016 2257 HRS



CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL
740 North Sedgwick Street
Suite 200
Chicago, Illinois 60654

RECEIPT FORM

OIG FILE NO. 15-0564

ON 19 FEB 2016 AT 2258HAB
DATE TIME

Sgt. Terence Cochran BA Sgt. F. Polier
NAME TITLE

☐ SEIZED FROM ☐ RECEIVED FROM ☐ RETURNED TO ☒ RELEASED TO

NAME	TITLE	DEPT.
Ricardo Viramontes	Police Officer	Chicago Police Department

THE FOLLOWING ITEM(S):

1. A City of Chicago Office of Inspector General DVD containing the following materials:
 - A copy of the portion of the March 16, 2015 Case Supplementary Report for R.D. No. HX475653 that memorializes Detective David March's October 20, 2014 interview of Ricardo Viramontes;
 - Detective March's October 20, 2014 General Progress Report for R.D. No. HX475653 concerning March's October 20, 2014 interview of Ricardo Viramontes;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 813R;
 - The October 20, 2014 audio and video files for the in-car video system of beat number 845R; and
 - A October 20, 2014 Dunkin Donuts security video of the Laquan McDonald shooting.

ACKNOWLEDGEMENT

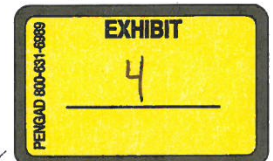
I hereby acknowledge receipt in writing of the above-listed item(s).

Signature Ricardo Viramontes

Date 19 FEB 16

Printed Name RICARDO VIRAMONTES

Time 2258



WITNESSES

J. F. [unclear] 894

19 Feb 2016 2258 H/19

CHICAGO POLICE DEPARTMENT
CASE SUPPLEMENTARY REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653
 (For use by Chicago Police - Bureau of Investigative Services Personnel Only)

HX475653

Case Id: 9825613
 Sup ID: 10902767 CASR301

EXC. CLEARED CLOSED (OTHER EXCEPTIONAL)		DETECTIVE SUP. APPROVAL COMPLETE			
Last Offense Classification/Re-Classification		IUCR Code		Original Offense Classification	
ASSAULT / Aggravated Po:Knife/Cut Instr		0552		ASSAULT / Aggravated Po:Knife/Cut Instr	
Address of Occurrence		Beat of Occur		No of Victims	No of Offenders
4112 S PULASKI RD		815		4	1
Location Type		Location Code		No of Arrested	SCR No
Street		304		1	
Date of Occurrence		Unit Assigned		Secondary Location	
20-OCT-2014 21:57		0841R		Hate Crime?	
				NO	
		Date RO Arrived		Fire Related?	Gang Related?
		20-OCT-2014 21:57		NO	NO
				Domestic Related?	
				NO	
Reporting Officer		Star No	Approving Supervisor	Star No	Primary Detective Assigned
MARCH, David		20563	WOJCIK, Anthony	481	MARCH, David
Date Submitted		Date Approved		Assignment Type	
15-MAR-2015 18:26		16-MAR-2015 00:03		FIELD	

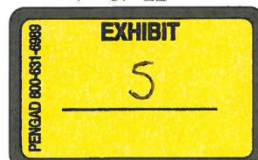
THIS IS A FIELD INVESTIGATION EXC. CLEARED CLOSED (OTHER EXCEPTIONAL) REPORT

HX475653

Printed On: 18-MAR-2015 12:59

1 of 22

Printed By: LIPMAN, Matthew ()



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

FONTAINE, Dora ----

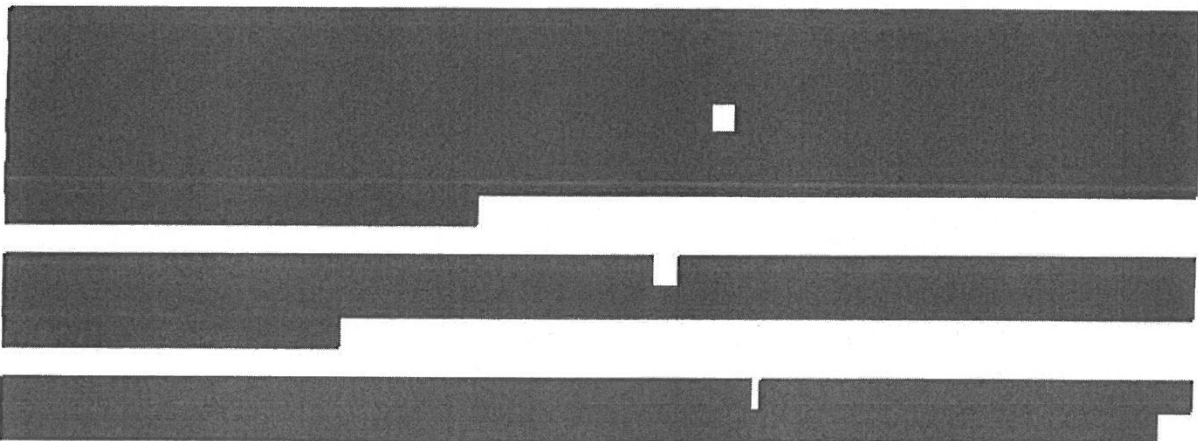
stated she was a Chicago Police Officer assigned to the 008th District. She was on duty, in uniform, working on Beat 841R. FONTAINE was working with Police Officer Ricardo VIRAMONTES. The two officers were assigned to a marked vehicle. VIRAMONTES was driving the vehicle and FONTAINE was the passenger.

The two officers responded to the request for assistance made by Beat 815R, regarding a man with a knife at 41st Street and Pulaski Road. Officer VIRAMONTES drove northbound on Pulaski. When they arrived at the scene of this incident, in front of the Dunkin' Donuts restaurant, Officer FONTAINE saw a black male subject, now known as Laquan MCDONALD, walking southbound in the street, with a knife in his right hand. MCDONALD was walking sideways, with his body facing east, toward Officers Jason VAN DYKE and Joseph WALSH. These two officers were standing in the middle of the street, on the right side of their police vehicle, which was facing southbound. FONTAINE heard the officers repeatedly order MCDONALD to "Drop the knife!" MCDONALD ignored the verbal direction and instead, raised his right arm toward Officer VAN DYKE, as if attacking VAN DYKE. At this time VAN DYKE fired multiple shots from his handgun, until MCDONALD fell to the ground and stopped moving his right arm and hand, which still grasped the knife. The gunshots were rapid fire, without pause. Officer WALSH then kicked the knife out of MCDONALD's hand.

VIRAMONTES, Ricardo -----

stated he was a Chicago Police Officer assigned to the 008th District. VIRAMONTES related the same facts as his partner, Officer Dora FONTAINE.

Officer VIRAMONTES added that when he exited his police vehicle, at the scene, he observed a black male subject, now known as Laquan MCDONALD, walking southbound on Pulaski Road, in the middle of the street, holding a knife in his right hand. VIRAMONTES heard Officer Jason VAN DYKE repeatedly order MCDONALD to "Drop the knife!" MCDONALD ignored the verbal direction and turned toward VAN DYKE and his partner, Officer Joseph WALSH. At this time VAN DYKE fired multiple shots from his handgun. MCDONALD fell to the ground but continued to move, attempting to get back up, with the knife still in his hand. VAN DYKE fired his weapon at MCDONALD continuously, until MCDONALD was no longer moving.



GENERAL PROGRESS REPORT
DETECTIVE DIVISION/CHICAGO POLICE

DATE OF ORIG. CASE REPORT

DATE OF THIS REPORT

20 OCT 2014

20 OCT 2014

OFFENSE CLASSIFICATION—LAST PREVIOUS REPORT

VICTIM'S NAME AS SHOWN ON CASE REPORT

BEAT/UNIT ASSIGNED

00552

VAN DYKE

5121

This form is designed for recording handwritten notes and memoranda which are made during the conduct of investigations, including: inter-watch memoranda (handwritten or typewritten), witness and suspect interview notes, on-scene canvas notes, and any handwritten personal notes made by detectives during the field investigation of violent crimes which are used to prepare official Department case reports.

RE VIRAMONTES

WHEN HE EXITED VEHICLE AT SCENE,
SAW O WALKING S/B ON PULASKI, IN MIDDLE OF ST
KNIFE IN R HAND
HEARD JVD REPEATEDLY, "DROP THE KNIFE!"
O IGNORED TURNED TOWARD JVD + JW
VD FIRED MULTIPLE SHOTS
O FELL TO GROUND BUT CONTINUED TO MOVE,
ATTEMPTING TO GET BACK UP, KNIFE STILL IN HAND
VD FIRED AT O CONTINUOUSLY UNTIL O
NO LONGER MOVING

REPORTING OFFICER'S SIGNATURE—STAR NO.

RECEIVED BY: SUPERVISOR'S SIGNATURE—STAR NO.

DAY—MO.—YR. TIME

CPD-23.122 (Rev. 2/83)

R.D.
NO.

HX425653

EXHIBIT

6

PENGAD 800-851-6888

**IN-CAR VIDEO SYSTEMS**

ISSUE DATE:	23 February 2012	EFFECTIVE DATE:	23 February 2012
RESCINDS:	Version dated 20 April 2011; S10-10		
INDEX CATEGORY:	Field Operations		

I. PURPOSE

This directive:

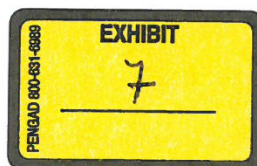
- A. implements the use of Department in-car video systems.
- B. establishes the policies and procedures for the use, maintenance, and repair of in-car video systems.
- C. establishes the roles and responsibilities of Department members affected by the introduction of in-car video systems for the video and audio recording of incidents.
- D. establishes the requirements for viewing, retaining, and duplicating digitally recorded incidents.
- E. continues the use of the Digitally Recorded Data Viewing/Hold/ Duplication Request (CPD-65.224).
- F. identifies the Records Division as the Department repository and viewing location of digitally recorded data created by the in-car video systems.

II. POLICY

The Department is committed to protecting the safety and welfare of its members and the public. The in-car video systems can provide members with an invaluable instrument to enhance criminal prosecution by providing powerful evidence of criminal activity, limit civil liabilities, and objectively document officer conduct during individual interactions. Members assigned to a vehicle equipped with an in-car video system will use it pursuant to this directive.

III. GENERAL INFORMATION

- A. There is no expectation of privacy for Department members related to incidents recorded by in-car video systems. Supervisors, members of Bureau of Internal Affairs, and the Independent Police Review Authority (IPRA) investigators may request to review the digitally recorded data from a vehicle equipped with an in-car video system. Any digitally recorded data created by the in-car video system may be used without a Department member's permission for any official Departmental purpose.
- B. The in-car video system will **automatically engage audio and video recording** when the vehicle's emergency-roof lights are activated. However, Department members may manually activate the in-car video system without the activation of the emergency equipment. At the conclusion of the incident, Department members must manually disengage all recording processes, regardless of what method activated the in-car video system.
- C. The Records Division will be the custodians of the digitally recorded data and will be responsible for the retention, duplication, and viewing of the in-car video systems. The Director, Records Division, will establish retention, viewing, and duplication procedures that provide for inventory control, the security of the digitally recorded data, and authorized duplications.
- D. All digitally recorded data created by the in-car video systems will be retained by the Records Division for a minimum of 90 days. Digitally recorded data that is marked and held as having evidentiary or training value will be retained as prescribed by law and established Department policy.
- E. In general, minor infractions and minor deviations from Department policy observed through the review of digitally recorded data will not be subject to the disciplinary process and will be treated as a training opportunity.



IV. RECORDING GUIDELINES

- A. Department members will use only Department-issued video and audio recording equipment.
- B. Department members will conform to all laws and Department policies concerning the use of the in-car video system for the video and audio recording of incidents.
 - 1. Department members are lawfully permitted to video record individuals without their consent if they are on the public way or in public view.
 - 2. Department members who are in uniform and have identified their office are lawfully permitted to simultaneously audibly and visually record individuals without their consent whenever:
 - a. the member is conducting an enforcement stop, **or**
 - b. the patrol vehicle emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement.

NOTE: Any reports completed for an audibly recorded incident, including Traffic Stop Statistical Study - Driver Information Cards (CPD-21.103), Traffic Stop Statistical Study Stickers (CPD-15.516), and Personal Service Citations, must include the initial violation or investigatory need that led to the stop.

NOTE: Department members may audibly record an enforcement stop regardless of the subsequent enforcement action taken.

- 3. Department members may audibly and visually record an individual with the consent of the individual.
- C. Uniformed Department members assigned to vehicles equipped with in-car video systems will activate the system to simultaneously audibly and visually record the entire incident for all enforcement stops.
- D. Uniformed Department members assigned to vehicles equipped with in-car video systems will activate the system to visually record the entire incident for all:
 - 1. arrests and transports.
 - 2. nonpursuit emergency vehicle operations.
 - 3. any situation that the member, through training and experience, believes to serve a proper police purpose.
- E. During the recording of an incident, Department members will not disengage the in-car video system until the entire incident has been recorded.

NOTE: Department members will be required to justify any disengagement of the in-car video system prior to the entire incident being recorded.

- F. If recorded, felony and misdemeanor arrests, motor vehicle pursuits, traffic crashes resulting in property damage, personal injury, or a fatality, DUI incidents, and failure to yield to an emergency vehicle will be automatically stored by the in-car video system indefinitely when the correct event is selected from the postevent pop-up menu. All other incidents will be automatically stored for ninety days.
- G. If digitally recorded data will be needed in judicial proceedings beyond ninety days, members will place an extended hold on that digitally recorded data as described in Item VIII of this directive, including but not limited to the following circumstances:
 - 1. Traffic stops other than DUI,

2. Enforcement stops,
 3. Other traffic crash investigations, and
 4. Stops for citizen assistance.
- H. When a complaint against a Department member is received that involves a digitally recorded incident, the investigating member will request an extended hold on the data.
- I. Assigned supervisors will request an extended hold on all digitally recorded motor vehicle pursuits and traffic crashes involving Department vehicles.

V. DEPLOYMENT OF THE IN-CAR VIDEO SYSTEMS

- A. Commanding officers of units with vehicles equipped with in-car video systems will:
1. ensure that vehicles equipped with in-car video systems are evenly distributed for use by all watches.
- NOTE:** Commanding officers will ensure the units assigned to traffic duties in district law enforcement use vehicles equipped with in-car video systems.
2. whenever feasible, ensure vehicles equipped with the in-car video systems are deployed every tour of duty and service is requested for inoperable vehicles equipped with in-car video systems.
- B. The station supervisors will:
1. deploy every vehicle equipped with a functional in-car video system during the tour of duty.
 2. ensure digitally recorded data is downloaded from the in-car video systems.
 3. whenever operationally feasible, review video of any arrest recorded by the in-car video system as part of the approval of probable cause.

VI. OPERATIONAL PROCEDURES

- A. Department members assigned to a Department vehicle equipped with an in-car video system will:
1. at the beginning of a tour of duty:
 - a. visually inspect the in-car video system equipment for damage.
 - b. obtain the remote transmitter/audio recorder and ensure it is securely attached to the member's person.
 - c. follow the start-up procedures for the in-car video system as trained and ensure the system is working properly.

NOTE: Members will immediately notify a supervisor if, at any time, the in-car video system is inoperable, damaged, the equipped vehicle becomes inoperable, or the remote transmitter/audio recorder is missing.
 2. during the tour of duty:
 - a. audibly and visually record events in accordance with this directive.
 - b. annotate all reports, including Contact Information Cards (CPD-21.101), prepared for an event which has been recorded by listing "**Video Recorded Incident**" at the end of the narrative portion.

- c. after an incident has been recorded, use the post-event pop-up menu to select the most serious recorded occurrence as the event type and enter other event information.

NOTE: If the member did not use the postevent pop-up menu to mark the incident as being held for evidence, the member will request an extended hold on digitally recorded data in accordance with Item VIII of this directive.

- d. if the in-car video system indicates that the memory required to record incidents is becoming low or if the member observes that less than 30 minutes of recording time is available, download the digitally recorded data.

3. at the conclusion of a tour of duty:

- a. verify the in-car video system is working properly.
- b. initiate the downloading of the digitally recorded data.

NOTE: Members will immediately notify a supervisor if unable to complete the downloading of digitally recorded data due to technical problems.

- c. shut down the in-car video system and logoff the system.
- d. return the remote transmitter/audio recorder to the designated area for charging.

B. The sergeant assigned to supervise Department members using Department vehicles equipped with an in-car video system will:

- 1. monitor subordinates to ensure the in-car video system is used and that digitally recorded data is properly downloaded.
- 2. ensure that the Help Desk is contacted and a ticket number is obtained whenever any member is unable to use the in-car video system or download digitally recorded data due to technical problems.
- 3. initiate an investigation when notified of a missing or lost remote transmitter/audio recorder.
- 4. document on the Supervisor's Management Log (CPD-11.455):
 - a. whether each vehicle has an in-car video system and if it is functioning.
 - b. all responses related to malfunctions of vehicles equipped with in-car video systems.
 - c. digitally recorded data downloaded to land-based terminals, noting any units unable to complete the download and the Help Desk ticket number obtained.
 - d. any request submitted for an extended hold of digitally recorded data.
 - e. any instances of additional training, corrective measures, or disciplinary actions.
- 5. document on the Traffic Pursuit Report (CPD-22.958) or traffic crash report that the incident has been digitally recorded.
- 6. obtain a complaint register number and order an evidence technician to process the equipment if any damage or malfunction is suspected to have been caused by deliberate (tampering) means.

C. Station supervisors will:

- 1. designate a sergeant responsible for monitoring the downloading of digitally recorded data for the watch.

2. record the total number of vehicles equipped with in-car video systems deployed during the watch and the total number of these vehicle that do not have a functioning in-car video system, if any, on the Watch Incident Log (CPD-21.916).
 3. ensure the status of vehicles equipped with in-car video systems is recorded on the Personal Equipment Log (CPD-21.919) by recording the word "VIDEO" in the "Camera/Tripod No." column.
 4. if an in-car video system malfunctions or the system or vehicle becomes inoperable **during** the tour, record the vehicle and beat numbers and the words "VIDEO DOWN" on the Watch Incident Log.
- D. When digitally recorded data is determined to have evidentiary or training value, or a complaint against a Department member is received that involves a digitally recorded incident, the supervisor reviewing the recorded data will request an extended hold on the data.

VII. DOWNLOADING DIGITALLY RECORDED DATA FROM THE IN-CAR VIDEO SYSTEM

- A. When downloading digitally recorded data from the mobile unit of an in-car video system to a land-based terminal, Department members will:
1. download the data in accordance with the manufacturer's guidelines and training.
 2. ensure the download of data was complete and return the vehicle back into service.
- B. With the approval of the station supervisor in the district of occurrence, special requests for the immediate viewing of digitally recorded data from the Bureau of Detectives, Bureau of Internal Affairs, or IPRA will be processed for major incidents where an in-car camera system may be reasonably expected to have captured a component of the incident.
1. Major incidents include, but are not limited to:
 - a. police-involved shootings,
 - b. serious injury or death to a Department member,
 - c. serious injury or death to a member of the public.
 2. Special requests for viewing digitally recorded data will be made to the station supervisor in the district of occurrence, who will:
 - a. evaluate the request;
 - b. determine if the need for retrieval outweighs the operational impact of the vehicle being taken out of service; and
 - c. notify Crime Prevention and Information Center (CPIC) of the decision.
 3. Special requests will be in the form of one of the following types:
 - a. Special wireless upload, or
 - b. Emergency on-site retrieval.
- C. Special Wireless Uploads
1. The station supervisor in the district of occurrence will take the vehicle out of service and secure it at the unit of assignment or other appropriate location.
 2. The supervisor will:
 - a. verify that the vehicle operator or partner is signed on to the in-car camera system;
 - b. instruct the member to manually flag the entire tour of duty's available video for upload;

- c. instruct the member to initiate a manual upload of this video with the vehicle in range of the facility's wireless hotspot; and

NOTE: If video cannot be uploaded via wireless hotspot, a cradle upload will be used.

- d. ensure that the vehicle remains out of service until the upload is complete.
3. Once complete, the station supervisor will allow personnel from the Bureau of Detectives, Bureau of Internal Affairs, or IPRA, as appropriate, to review the uploaded files.

NOTE: For officer-involved shootings when an On-Call Incident Commander (OCIC) will respond, an emergency on-site retrieval will be immediately requested through CPIC.

4. The station supervisor may identify an alternate vehicle for the member to use while the identified vehicle completes its video upload, as appropriate.
5. If an attempt to wirelessly upload is unsuccessful, members may contact the City of Chicago Help Desk at 4-DATA for assistance.
6. If a wireless upload fails, an emergency on-site retrieval will be conducted.

D. Emergency On-Site Retrieval

1. The station supervisor in the district of occurrence will notify CPIC of an approved emergency on-site retrieval.

NOTE: An emergency on-site retrieval will only be conducted when an OCIC is responding or a wireless upload fails and contacting the City of Chicago Help Desk at 4-DATA has not resolved the problem.

2. CPIC will notify the Public Sector Information Technology (PSIT) Group personnel of a manual video retrieval from the "fail-safe" internal drive request.
3. The station supervisor in the district of occurrence will take the identified vehicle out of service during the retrieval process.
4. If the identified vehicle is still in use when the designated supervisor arrives at the unit facility or other appropriate location, the supervisor will report to the vehicle and instruct any member logged onto the system to log off the system.
5. The vehicle will remain out of service until PSIT responds and conducts the video retrieval.

NOTE: On-site review of video will be limited to the series of events and time frame giving rise to the alleged incident.

E. Viewing and Obtaining Copies of In-Car Video Recordings

1. Once retrieval has been completed for the requested time frame, the video may be viewed by personnel from the requesting party at the location of retrieval.
2. Requests for copies of in-car video recordings will be made by completing the form entitled "Digitally Recorded Data Viewing/Hold/Duplication Request" (CPD-65.224) and forwarding it to the Records Division.

F. The Managing Deputy Director, PSIT, will:

1. establish procedures to ensure the security of the digitally recorded data from downloading to storage by the Records Division.

2. develop a system to monitor the memory capacity of the land-based terminals and provide for the security of the downloaded data.
- G. If members are unable to download digitally recorded data from the mobile unit of the in-car video system to the land-based terminals due to system inoperability:
1. the station supervisor will notify the Help Desk and follow any further instructions given by the responding member of PSIT.
 2. A designated member of PSIT will respond to the requesting unit and:
 - a. ensure the security of the digitally recorded data.
 - b. perform a manual download of the digitally recorded data.
 - c. record the manual download on the Help Desk ticket.

VIII. REQUESTING A HOLD FOR DIGITALLY RECORDED DATA

- A. Department members will place an extended hold on digitally recorded data they recorded using the postevent pop-up menu on the in-car video system.
- B. **Within the first 48 hours** from downloading digitally recorded data from the vehicle, Department members **who do not use the postevent pop-up menu** and request an extended hold on digitally recorded data will request that a supervisor place the extended hold by using the land-based terminal at the district/unit station.
- C. **After the first 48 hours** from downloading digitally recorded data from the vehicle, Department members **who do not use the postevent pop-up menu** and request an extended hold on digitally recorded data will:
 1. complete the Digitally Recorded Data Viewing/Hold /Duplication Request form.
 2. indicate on the form the necessary actions by the Records Division.
 3. explain in the narrative portion of the form the reason for the request.
 4. submit the form to the station supervisor/designated unit supervisor for approval.
 5. submit the completed and approved form to the Records Division for processing and retention in accordance with existing records-retention requirements.
- D. Department members who wish to remove an extended hold on digitally recorded data will follow the procedures outlined in Item VIII-C of this directive indicating the circumstances requiring the removal of the extended hold.
- E. The Director, Records Division, will:
 1. develop a cataloging system for storage and retrieval of recordings and procedures for ensuring archives are maintained consistent with Department directives (including the Forms Retention Schedule), applicable state and federal laws, and compliance with all court orders.
 2. be responsible for retaining digitally recorded data for which an extended hold was requested as prescribed by law and established Department policy.

IX. VIEWING, RETAINING, AND DUPLICATING DIGITALLY RECORDED DATA

- A. All digitally recorded data created by the in-car video systems are the property of the Chicago Police Department. **Dissemination of any digitally recorded data outside the Department is strictly prohibited without specific authorization by the Superintendent or an appointed designee.**
 1. Any non-Departmental requests for duplication of digitally recorded data must be approved by the Superintendent or an appointed designee.

2. All approved requests will be forwarded in an expeditious manner to the Director, Records Division, along with:
 - a. a completed and approved Digitally Recorded Data Viewing/Hold/Duplication Request form, and
 - b. written instructions, including dissemination information, for compliance with the request.
- B. Department members assigned to vehicles equipped with in-car video systems and their supervisors are encouraged to use the review/ playback functions of the system for the purposes of:
 1. developing familiarity with the functions, capabilities, and limitations of the in-car video systems to create consistent recording techniques which capture relevant actions.
 2. searching for and identifying recorded events having evidentiary or training value.
 3. reviewing approach and officer safety issues.
 4. ensuring consistency with written reports.
- C. Reviewing Digitally Recorded Data

Investigating members may view digitally recorded data in the performance of official police business. When it is necessary to view digitally recorded data stored by the Records Division, the following procedures will apply:

 1. The requesting Department member will:
 - a. prepare a Digitally Recorded Data Viewing / Hold / Duplication Request form, including approval of the requestor's station supervisor/designated unit supervisor.
 - b. schedule an appointment to view the recorded incident with a Records Division supervisor (or an appointed designee) to ensure the availability of a technician and playback equipment.
 - c. present the properly completed and approved form to a Records Division supervisor at the scheduled time.
 2. A Records Division supervisor will:
 - a. process all approved recorded incident review requests.
 - b. assign a technician to assist the requestor in viewing the recorded incident, as required.
- D. Obtaining a Video Recording
 1. A duplicate copy of selected information may be made to retain that information:
 - a. when it is not required that the master video be retained for an indefinite period (e.g., investigation of a routine administrative incident when the punishment is of a summary or minor nature).
 - b. when the requesting member determines that a duplicate video of a master video will be sufficient.
 2. A duplicate video recording may be obtained by:
 - a. completing a Digitally Recorded Data Viewing / Hold / Duplication Request form and submitting the completed form to the station supervisor/designated unit supervisor for approval.
 - b. notifying the Records Division that a duplicate video recording is required and submit the approved Digitally Recorded Data Viewing/Hold/ Duplication Request form to the Director, Records Division.

- c. indicating to the Records Division which information from the digitally recorded data is to be included on the duplicate video recording.
3. When the duplicate video recording has served the purpose for which it was made, the requesting member will ensure that it is immediately returned to the Records Division.

NOTE: A member requesting a duplicate video recording will not make additional copies of it or permit unauthorized persons to duplicate or view it under any circumstances.

E. Special Situations

When the Records Division receives a request for an extended hold of digitally recorded data that indicates it pertains to:

1. **a motor vehicle pursuit or traffic crash involving a Department vehicle**, the Director, Records Division, will ensure a duplicate video is forwarded to the Traffic Review Board.
2. **an incident having training value**, the Director, Records Division, will ensure a duplicate video is forwarded to the Deputy Chief, Education and Training Division.

(Items indicated by italics/double underline were revised or added.)

Authenticated by: RMJ

Garry F. McCarthy
Superintendent of Police

11-055 / 12-003 EGV/RJN

SUPPLEMENTARY REPORT

ASSAULT- AGG PD: KNIFE/CUT INSTR 0552 4000 S KARLOV

P.O. GAFFNEY #19958 / P.O. VAN DYKE #12865

3420 W 63RD ST

STREET

20 OCT 14 2157

815

9210

304

PROPERTY INVENTORY	RECEIVED	DATE	TIME	LOCATION	OFFICER	REMARKS
VEHICLE	1	1	1	1	1	1
PERSONAL EFFECTS	1	1	1	1	1	1
WEAPONS	1	1	1	1	1	1
TOOL	1	1	1	1	1	1
OTHER	1	1	1	1	1	1

SEE ORIGINAL CASE INCIDENT REPORT

DATE	TIME	LOCATION	OFFICER	REMARKS
20 OCT 14	2157	4000 S KARLOV	P.O. GAFFNEY	ASSAULT- AGG PD: KNIFE/CUT INSTR

IN SUMMARY: R/S CONTINUED BY CPIC AT 2230;
20 OCT 14 FOR INCAR CAMBORA (ECC) VIDEO RETRIEVAL ON SEARS 4100 S.
PALMERI REPORTED TO THE ABOVE LISTED INCIDENT. REQUEST WAS FROM
ARON CENTRAL DETENTION DIVISION SGT D GALLAGHER UPON
ARRIVAL BT 813R VEH 8779; BT 815R VEH 8489; BT 822 VEH 8765;
BT 845R VEH 6412; & BT 841R VEH 8948 WERE SUBJECTS OF IAC
VIDEO CHECK/RETRIEVAL CHECKS OF THESE VEHICLES PERFORMED THE
LISTED FINDINGS:

BT 813R VEH 8779	VIDEO RECOVERED [REDACTED] @ 20141020 215250
BT 815R VEH 8489	OPERATIONAL BUT DUE TO DISC ERROR NO VIDEO RECOVERED
BT 822 VEH 8765	NOT AVAILABLE - OFFICER REPORTED POWER ISSUE
BT 845R VEH 6412	VIDEO RECOVERED [REDACTED] @ 20141020 215250
BT 841R VEH 8948	NOT AVAILABLE - OFFICER REPORTED APPLICATION ERROR

Recovered Video Manually up load and returned 002/ACOD IEC SYSTEM

REPORTING OFFICER (PRINT NAME)	STARTING	DATE THIS REPORT SUBMITTED	TIME	REPORTING OFFICER (PRINT NAME)	STARTING
Sgt. L. BUCAR 1748		21 OCT 14			
SIGNATURE		SIGNATURE		SIGNATURE	
[Signature]		[Signature]		[Signature]	

MUST BE COMPLETED IN ALL CASES



In Car Camera Video Retrieval Work Sheet

Date & Time of Notification: 20 Oct 14 2230 1425 Related HDT# DP3 CMD
 Requestor: Det CITEY McNAUGHTON Tech: BOENAR
 Location of response: 4100 S PULASKI
 Type of Incident requiring retrieval: POLICE INVOLVED SHOOTING - FATAL OFFENDER
 Location of Incident: 4100 S PULASKI Date & Time of Incident 20 OCT 14 2147
 Related RD#, Event#, and/or CR Log#: HX475453

Vehicles to be checked:

813R	Veh# <u>877A</u>	POs PC#:	<u>[REDACTED]</u>	Results: <u>[REDACTED]</u>	<u>215250</u> <u>214218</u> MHAD <u>20141020 214218</u> 30000214
815R	Veh# <u>8489</u>	POs PC#:	<u>[REDACTED]</u>	Results: <u>[REDACTED]</u>	
822	Veh# <u>8765</u>	POs PC#:	<u>[REDACTED]</u>	Results: <u>[REDACTED]</u>	
845R	Veh# <u>694</u>	POs PC#:	<u>[REDACTED]</u>	Results: <u>[REDACTED]</u>	<u>215250</u> out of focus <u>20141020 214543</u> MHAD 00003227
841R	Veh# <u>8948</u>	POs PC#:	<u>[REDACTED]</u>	Results: <u>1405 NO OPEN 1405</u>	

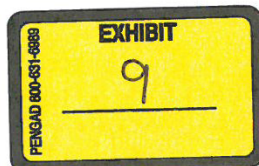
List additional Vehicle to be checked and results on back of this form

Note: Any vehicles identified to be checked, will be evaluated for operational readiness as well. Any deficiencies of the ICC System will be noted i.e. MIC(s) are not sync'd; rear camera not working; cannot upload; etc. Actions to rectify the issue should be taken to render the system FULLY FUNCTIONAL!

Notes of work or activities performed:

877A: Mics in Glove Box Portables Inserted UPSIDE DOWN
→ FULLY OP
8489: PROCESSING VIDEOS: EXTREMELY LARGE VIDEO FILES
8765: Mics in CHARGING CHARGE; NOT SYNC'D TO SYSTEM
694: No Mics; Mic CHARGE DISCONNECTED
8948

THIS INFORMATION DISCLOSED TO BATTERIES; DC McNAUGHTON; & 005TH
 Tech: DISC SUPERVISORS ON SCENE
DURING VIEWING



20 OCT 2014 , HY475653

Page 1 of 1

20 OCT 2014 , HY475653

Becvar, Lance J.

Sent: Friday, July 17, 2015 12:33 PM

To: Lewin, Jonathan H.

Cc: Dziak, Steven E.

Hello Dep Lewin,

Per your request the findings related to the Aggravated Assault / Police Involved Shooting on 20 Oct 2014 Listed under RD# HY 475653:

Findings from that night-

Veh 8779 Video Recovered Titled [REDACTED]@20141020215250, No MICs because they were in the Glove Compartment with the batteries inserted upside down - Disabling them.

Veh 8489 System not engaged because a very long video (like hours long) was made previous to this event/incident and the system was processing that video and unable to start another video.

Veh 8765 System not engaged, officer related no power. There was no open HDT called in on vehicle. MICs not sync'd to system even though they were in the charging cradles.

Veh 6412 Video Recovered Titled [REDACTED]@20141020215250 view out of focus. Focusing problem found to be related to a loose cable connection for the camera. No MICs in vehicle and the charging cradles disconnected from power.

Veh 8949 System not engaged, officer reported that there was an application error - Mobile Recorder Start-Up corrupted. No Help Desk Ticket Open for this vehicle.

Sgt Lance Becvar

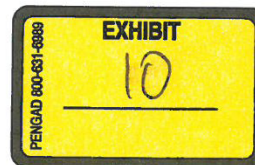
MobileTech Supervisor

Information Services Division

Chicago Police Department

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